



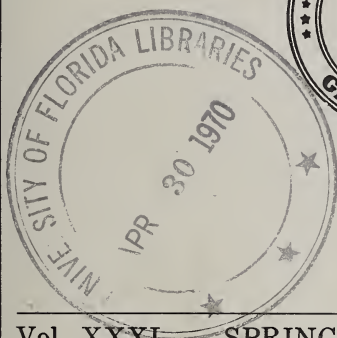
UNIVERSITY
OF FLORIDA
LIBRARIES






Digitized by the Internet Archive
in 2016 with funding from
University of Florida, George A. Smathers Libraries

THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXI SPRING & SUMMER, 1969 Nos. 1 & 2

Published by the

ALABAMA STATE DEPARTMENT
OF
ARCHIVES AND HISTORY

946.105
A316



THE ALABAMA HISTORICAL QUARTERLY

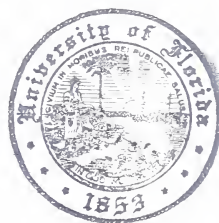
Vol. XXXI SPRING & SUMMER, 1969 Nos. 1 & 2

CONTENTS

	Page
Editorial	3
Constitution of Alabama, 1819	7
Journal of the Constitutional Convention, 1819	41
The Original Draft of the Alabama Constitution of 1819 as Reported by the Committee of Fifteen, Clement Comer Clay, Chairman by <i>Malcolm C. McMillan</i>	93
Journal of the Constitutional Convention, 1819, As Re- ported in the <i>Alabama Republican</i>	129

MILO B. HOWARD, Jr., Editor

Published by the
ALABAMA STATE DEPARTMENT
OF ARCHIVES AND HISTORY
Montgomery, Alabama



SKINNER PRINTING COMPANY

LLOYD STREET

MONTGOMERY, ALABAMA

EDITORIAL

In order to make more accessible original source material relating to the organization of the State of Alabama and as a contribution by the Archives and History Department to the Sesquicentennial of Alabama statehood, we are reprinting in this issue of the *Alabama Historical Quarterly* certain documents long since out of print and unavailable. In selecting the most pertinent, the 1819 *Constitution* and the *Journal of Convention of the Alabama Territory* were obvious choices. The basis for the Constitution was a draft prepared by a committee of fifteen members of the Convention under the chairmanship of Clement Comer Clay. Although the original draft disappeared many years ago, it was still extant in 1830 when it was printed in the *Mobile Commercial Register*. In 1959 this copy was edited by Dr. Malcolm C. McMillan and published in volume XX of the *Alabama Lawyer* with the permission of which it is reprinted here with Dr. McMillan's notations. As a supplement to the *Journal* the account of the Convention which appeared weekly in the *Huntsville Republican* is copied. Its particular value lies in the fact that the *Republican* reported the proceedings of the committee of the whole in which the draft of the Constitution was debated. A motion by Harry Toulmin which would have required the secretary of the Convention to keep such a record was defeated; thus the *Journal* bears no account of these significant proceedings. In all cases original spellings and punctuation have been retained.—M.B.H., Jr.

CONSTITUTION
OF THE
STATE OF ALABAMA.

December 6, 1819.

PRINTED BY ORDER OF THE HOUSE OF REPRESENTATIVES.

WASHINGTON:

PRINTED BY GALES & SEATON.

1819.

CONSTITUTION OF ALABAMA

WE, the people of the Alabama Territory, having the right of admission into the General Government, as a member of the Union, consistent with the Constitution and laws of the United States, by our Representatives, assembled in Convention at the town of Huntsville, on Monday the 5th day of July, one thousand eight hundred and nineteen, in pursuance of an act of Congress, entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States;" in order to establish justice, insure tranquility, provide for the common defence, promote the general welfare, and secure to ourselves and our posterity the rights of life, liberty, and property, do ordain and establish the following Constitution, or form of Government; and do mutually agree with each other to form ourselves into a Free and Independent State, by the name of "*THE STATE OF ALABAMA*." And we do hereby recognize, confirm, and establish the boundaries assigned to said State by the act of Congress aforesaid, "to wit: Beginning at the point where the thirty-first degree of north latitude intersects the Perdido River; thence, east, to the western boundary line of the State of Georgia; thence, along said line, to the southern boundary line of the State of Tennessee; thence, west, along said boundary line, to the Tennessee River; thence, up the same, to the mouth of Bear Creek; thence, by a direct line, to the northwest corner of Washington county; thence, due south, to the Gulph of Mexico; thence, eastwardly, including all Islands within six leagues of the shore, to the Perdido River; and thence, up the same, to the beginning;" subject to such alteration as is provided in the third section of said act of Congress, and subject to such enlargement as may be made by law in consequence of any cession of territory by the United States, or either of them.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great, and essential principles of liberty and free government may be recognized and established, WE DECLARE:

SECTION 1. That all freemen, when they form a social compact, are equal in rights; and that no man, or set of men, are entitled to exclusive, separate public emoluments or privileges, but in consideration of public services.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and, therefore, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their form of government, in such manner as they may think expedient.

SEC. 3. No person within this state shall, upon any pretence, be deprived of the inestimable privilege of worshipping God in the manner most agreeable to his own conscience; nor be compelled to attend any place of worship, nor shall any one ever be obliged to pay any tythes, taxes, or other rate, for the building or repairing any place of worship, or for the maintenance of any minister or ministry.

SEC. 4. No human authority ought, in any case whatever, to control or interfere with the rights of conscience.

SEC. 5. No person shall be hurt, molested, or restrained in his religious profession, sentiments, or persuasion, provided he does not disturb others in their religious worship.

SEC. 6. The civil rights, privileges, or capacities of any citizen shall in no way be diminished, or enlarged, on account of his religious principles.

SEC. 7. There shall be no establishment of religion by law; no preference shall ever be given by law to any religious

sect, society, denomination, or mode of worship; and no religious test shall ever be required as a qualification to any office or public trust under this state.

SEC. 8. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 9. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures or searches; and no warrant to search any place, or to seize any person or thing, shall issue, without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions, the accused has a right to be heard by himself, and counsel; to demand the nature and cause of the accusation, and have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and, in all prosecutions, by indictment or information, a speedy public trial, by an impartial jury of the county or district in which the offence shall have been committed; he shall not be compelled to give evidence against himself, nor shall he be deprived of his life, liberty, or property, but by due course of law.

SEC. 11. No person, shall be accused, arrested, or detained, except in cases ascertained by law, and according to the forms which the same has prescribed; and no person shall be punished, but in virtue of a law, established and promulgated prior to the offence, and legally applied.

SEC. 12. No person shall, for any indictable offence, be proceeded against criminally, by information; except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use, unless just compensation be made therefor.

SEC. 14. All courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial, or delay.

SEC. 15. No power of suspending laws shall be exercised, except by the General Assembly, or its authority.

SEC. 16. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 17. All persons shall, before conviction, be bailable by sufficient securities, except for capital offences, when the proof is evident, or the presumption great: and the privilege of the writ of "habeas corpus" shall not be suspended, unless when, in cases of rebellion, or invasion, the public safety may require it.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 19. No ex post facto law, nor law impairing the obligation of contracts, shall be made.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly. No attainder shall work corruption of blood, nor forfeiture of estate.

SEC. 21. The estate of suicides shall descend or vest as in cases of natural death; if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. The citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

SEC. 23. Every citizen has a right to bear arms in defence of himself and the State.

SEC. 24. No standing army shall be kept up without the consent of the General Assembly; and, in that case, no appropriation of money for its support shall be for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 25. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

SEC. 26. No title of nobility, or hereditary distinction, privilege, honor, or emolument, shall ever be granted or conferred in this State; nor shall any office be created, the appointment of which shall be for a longer term than during good behaviour.

SEC. 27. Emigration from this state shall not be prohibited, nor shall any citizen be exiled.

SEC. 28. The right of trial by jury shall remain inviolate.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this State, by him or herself or counsel.

SEC. 30. This enumeration of certain rights shall not be construed to deny or disparage others retained by the people: and, to guard against any encroachments on the rights herein retained, or any transgression of any of the high powers herein delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

DISTRIBUTION OF POWERS.

SEC. 1. The powers of the government of the State of Alabama shall be divided into three distinct departments; and each of them confided to a separate body of magistracy, to wit:

those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

SEC. 2. No person, or collection of persons, being of one of those departments, shall exercise any power, properly belonging to either of the others, except in the instances herein after expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SEC. 1. The Legislative power of this State shall be vested in two distinct branches: the one to be styled the Senate, the other the House of Representatives, and both together, "the General Assembly of the State of Alabama;" and the style of their Laws shall be, "Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened."

SEC. 2. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of one year, from the day of the commencement of the general election, and no longer.

SEC. 3. The Representatives shall be chosen every year, on the first Monday and the day following in August, until otherwise directed by law.

SEC. 4. No person shall be a Representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county, city, or town, for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 5. Every white male person of the age of twenty-one years, or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months within the

county, city, or town, in which he offers to votes, shall be deemed a qualified elector: Provided, that no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State; and provided, also, that no elector shall be entitled to vote except in the county, city, or town, (entitled to separate representation,) in which he may reside at the time of the election.

SEC. 6. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

SEC. 7. In all elections by the people, the electors shall vote by ballot until the General Assembly shall otherwise direct.

SEC. 8. Elections for Representatives for the several counties shall be held at the place of holding their respective courts, and at such other places as may be prescribed by law: Provided that, when it shall appear to the General Assembly that any city or town shall have a number of white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of white inhabitants therein; which shall be retained so long as such city or town shall contain a number of white inhabitants equal to the ratio which may from time to time be fixed by law; and thereafter, and during the existence of the right of separate representation, in such city or town, elections for the county in which such city or town (entitled to such separate representation) is situated, shall not be held in such city or town; but it is understood and hereby declared, that no city or town shall be entitled to separate representation unless the number of white inhabitants in the county in which such city or town is situated, residing out of the limits of said city or town, be equal to the existing ratio; or unless the residuum or fraction of such city or town shall, when added to the white inhabitants of the county residing out of the limits of said city or town, be equal to the ratio fixed by law for one representative; and provided, that, if the residuum or fraction of any city or town, entitled to separate representation, shall, when added to the residuum

of the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city, or town, having the largest residuum, shall be entitled to such representation: and provided, also, that when there are two or more counties adjoining, which have residuums or fractions over and above the ratio then fixed by law, if said residuums or fractions, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The General Assembly shall, at their first meeting, and in the years one thousand eight hundred and twenty, one thousand eight hundred and twenty-three, one thousand eight hundred and twenty-six, and every six years thereafter, cause an enumeration to be made of all the inhabitants of the State, and the whole number of the representatives shall, at the first session held, after making every such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities, or towns, entitled to separate representation, according to their respective numbers of white inhabitants; and the said apportionment, when made, shall not be subject to alteration, until after the next census shall be taken. The House of Representatives shall not consist of less than forty-four, nor more than sixty members, until the number of white inhabitants shall be one hundred thousand, and, after that event, the whole number of representatives shall never be less than sixty nor more than one hundred; Provided, however, that each county shall be entitled to at least one representative.

SEC. 10. The General Assembly shall, at the first session after making every such enumeration, fix by law the whole number of senators, and shall divide the state into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one senator and no more; provided that the whole number of senators shall never be less than one fourth, nor more than one third of the whole number of representatives.

SEC. 11. When a senatorial district shall be composed of two or more counties, the counties of which such district con-

sists shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

SEC. 12. Senators shall be chosen by the qualified electors, for the term of three years, at the same time, in the same manner, and at the same places, where they may vote for Members of the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained to the age of twenty-seven years.

SEC. 13. The Senators chosen according to the apportionment under the census ordered to be taken in one thousand eight hundred and twenty-six, when convened, shall be divided by lot into three classes, as nearly equal as may be. The seats of the Senators of the first class shall be vacated at the expiration of the first year, those of the second class at the expiration of the second year, and those of the third class at the expiration of the third year, so that one third may be annually chosen thereafter, and a rotation thereby kept up perpetually. Such mode of classifying new additional Senators shall be observed as will, as nearly as possible, preserve an equality of members in each class.

SEC. 14. The House of Representatives, when assembled, shall choose a Speaker, and its other officers; and the Senate shall annually choose a President and its other officers. Each house shall judge of the qualifications, elections, and returns, of its own members; but a contested election shall be determined in such a manner as shall be directed by law.

SEC. 15. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

SEC. 16. Each House may determine the rules of its own

proceedings, punish members for disorderly behavior, and, with the consent of two thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

SEC. 17. Each House, during the session, may punish, by imprisonment, any person, not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings: provided, that such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 18. Each House shall keep a journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals. And any members of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals.

SEC. 19. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened; nor shall any member be liable to answer for any thing spoken in debate in either House, in any court or place elsewhere.

SEC. 20. When vacancies happen in either House, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

SEC. 21. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 22. Neither house shall, without the consent of the

other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either House, and be amended, altered, or rejected, by the other; but no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless, in cases of urgency, four-fifths of the House in which the bill shall be depending may deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the Speaker and President of their respective Houses: provided, that all bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

SEC. 24. Each member of the General Assembly shall receive from the public treasury such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 25. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people.

SEC. 26. No person holding any lucrative office under the United States, (the office of post-master excepted,) this state, or any other power, shall be eligible to the General Assembly; provided, that officers in the militia to which there is attached no annual salary, or the office of justice of the peace, or that of the quorum or county court, while it has no salary, shall not be deemed lucrative.

SEC. 27. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and

paid into the treasury, all sums for which he may be accountable.

SEC. 28. The first election for Senators and Representatives shall be general throughout the State; and shall be held on the third Monday and Tuesday in September next.

SEC. 29. The first session of the General Assembly shall commence on the fourth Monday in October next, and be held at the town of Huntsville, and all subsequent sessions at the town of Cahawba, until the end of the first session of the General Assembly, to be held in the year one thousand eight hundred and twenty-five; during that session the General Assembly shall have power to designate by law (to which the Executive concurrence shall not be required) the permanent seat of Government, which shall not thereafter be changed; Provided, however, that, unless such designation be then made by law, the government shall continue permanently at the town of Cahawba; and provided, also, that the General Assembly shall make no appropriations previous to the year one thousand eight hundred and twenty-five, for the building of any other State House than that now provided for by law.

ARTICLE IV.

EXECUTIVE DEPARTMENT

SEC. 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Alabama.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places when they shall respectively vote for Representatives.

SEC. 3. The returns of every election for Governor shall be sealed up, and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in presence of both Houses of the General Assembly. The person having the highest number of votes shall be Governor; but if

two, or more, shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of both Houses. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 4. The Governor shall hold office for the term of two years from the time of his installation, and until his successor shall be duly qualified; but shall not be eligible for more than four years in every term of six years; he shall be at least thirty years of age, shall be a native citizen of the United States, and shall have resided in this state at least four years next preceding the day of his election.

SEC. 5. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

SEC. 6. He shall be commander in chief of the army and navy of this State, and of the militia thereof, except when they shall be called into the service of the United States. And when acting in the service of the United States, the General Assembly shall fix his rank.

SEC. 7. He may require information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices.

SEC. 8. He may, by proclamation, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders; in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the General Assembly.

SEC. 9. He shall, from to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until the end of the next session of the General Assembly.

SEC. 12. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially; and the present seal of the Territory shall be the seal of the State, until otherwise directed by the General Assembly.

SEC. 13. All commissions shall be in the name and by the authority of the State of Alabama, be sealed with the state seal, signed by the Governor, and attested by the Secretary of State.

SEC. 14. There shall be a Secretary of State appointed by joint vote of both Houses of the General Assembly, who shall continue in office during the term of two years. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers, relative thereto, before the General Assembly; and shall perform such other duties as may be required of him by law.

SEC. 15. Vacancies that may happen in offices, the appointment to which is vested in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

SEC. 16. Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor; if he approve he shall sign it, but, if not, he shall return it, with his objections, to the House in which it shall have originated,

who shall enter the objections, at large, upon the journals, and proceed to reconsider it; if, after such reconsideration, a majority of the whole number elected to that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered, if approved by a majority of the whole number elected to that House, it shall become a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journals of each House respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case, it shall not be a law.

SEC. 17. Every order, resolution, or vote, to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and, before it shall take effect, be approved by him, or, being disapproved, shall be repassed by both Houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 18. In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor, until the time pointed out by this constitution for the election of Governor shall arrive, unless the General Assembly shall provide, by law, for the election of a Governor, to fill such vacancy, or until the Governor absent or impeached shall return or be acquitted.

SEC. 19. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the Speaker of the House of Representatives shall, in like manner, administer the government.

SEC. 20. The President of the Senate and Speaker of the

House of Representatives, during the time they respectively administer the government, shall receive the same compensation which the Governor would have received, had he been employed in the duties of his office.

SEC. 21. The Governor shall always reside, during the session of the General Assembly, at the place where their session may be held, and at all other times, wherever, in their opinion, the public good require.

SEC. 22. No person shall hold the office of Governor, and any other office or commission, civil or military, either in this state, or under any state, or the United States, or any other power, at one and the may same time.

SEC. 23. A state Treasurer and a Comptroller of public accounts shall be annually elected, by joint vote of both Houses of the General Assembly.

SEC. 24. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for the term of three years, unless sooner removed, and who shall not be eligible to serve either as principal or deputy for the three succeeding years. Should a vacancy occur subsequent to an election, it shall be filled by the Governor, as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the sheriff then elected shall continue in office for three years.

MILITIA.

SEC. 1. The General Assembly shall provide, by law, for organizing and disciplining the militia of this state, in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

SEC. 2. Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

SEC. 4. All officers of the militia shall be elected or appointed in such manner as may be prescribed by law: Provided, that the General Assembly shall not make any such elections or appointments, other than those of Adjutants General and Quarter Masters General.

SEC. 5. The Governor shall appoint his Aids-de-camp; Majors General, their Aids-de-camp, and all other division staff officers; Brigadiers General shall appoint their Aids, and all other brigade staff officers; and Colonels shall appoint their regimental staff officers.

SEC. 6. The General Assembly shall fix, by law, the method of dividing the militia into divisions, brigades, regiments, battalions, and companies: and shall fix the rank of all staff officers.

ARTICLE V.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this state shall be vested in one Supreme Court, circuit courts to be held in each county in the state, and such inferior courts of law and equity, to consist of not more than five members, as the General Assembly may, from time to time, direct, ordain, and establish.

SEC. 2. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under such restrictions and regulations, not repugnant to this constitution, as may, from time to time, be prescribed by law; Provided, that the supreme court shall have power to issue writs of injunction, mandamus, quo-warranto, habeas corpus, and such other remedial and original writs, as may be necessary to give it a general superintendence and control of inferior jurisdiction.

SEC. 3. Until the General Assembly shall otherwise prescribe, the powers of the supreme court shall be vested in, and its duties shall be performed by, the Judges of the several circuit courts, within this state: and they or a majority of them shall hold such sessions of the Supreme court, and at such times, as may be directed by law: Provided, that no Judge of the Supreme Court shall be appointed before the commencement of the first session of the General Assembly, which shall be begun and held after the first day of January, in the year one thousand eight hundred and twenty-five.

SEC. 4. The Supreme Court shall be holden at the seat of government, but may adjourn to a different place, if that shall have become dangerous from an enemy or from disease.

SEC. 5. The State shall be divided into convenient circuits, and each circuit shall contain not less than three, nor more than six counties: and for each circuit there shall be appointed a judge, who shall, after his appointment, reside in the circuit for which he may be appointed.

SEC. 6. The Circuit Court shall have original jurisdiction in all matters, civil and criminal, within this State, not otherwise excepted in this constitution: but, in civil cases, only when the matter or sum in controversy exceeds fifty dollars.

SEC. 7. A Circuit Court shall be held in each county in the State, at least twice in every year, and the judges of the several circuit courts may hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

SEC. 8. The General Assembly shall have power to establish a court or courts of chancery with original and appellate equity jurisdiction: and, until the establishment of such court or courts, the said jurisdiction shall be vested in the judges of the circuit courts respectively: Provided that the judges of the several circuit courts shall have power to issue writs of injunction, returnable into the courts of chancery.

SEC. 9. The General Assembly shall have power to estab-

lish, in each county within this State, a court of probate, for the granting of letters testamentary and of administration, and for orphans' business.

SEC. 10. A competent number of Justices of the Peace shall be appointed, in and for each county, in such mode, and for such term of office, as the General Assembly may direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases tried by a Justice of the Peace, right of appeal shall be secured, under such rules and regulations as may be prescribed by law.

SEC. 11. Judges of the Supreme and Circuit Courts, and Courts of Chancery, shall, at stated times, receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office: but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

SEC. 12. Chancellors, Judges of the Supreme Court, Judges of the Circuit Courts, and Judges of the Inferior Courts, shall be elected by joint vote of both Houses of the General Assembly.

SEC. 13. The Judges of the several Courts in this State shall hold their offices during good behavior; and, for wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of two thirds of each House of the General Assembly; provided, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House; and provided further, that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each House respectively; and provided, also, that the judges of the

several circuit courts who shall be appointed before the commencement of the first session of the General Assembly, which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twenty-five, shall only hold their offices during good behavior, until the end of the said session, at which time their commissions shall expire.

SEC. 14. No person who shall have arrived at the age of seventy years shall be appointed to, or continue in, the office of Judge in this State.

SEC. 15. The clerks of the circuit and inferior courts in this State shall be elected by the qualified electors in each county, for the term of four years, and may be removed from office for such causes, and in such manner as may be prescribed by law; and, should a vacancy occur subsequent to an election, it shall be filled by the Judge or Judges of the Court in which such vacancy exists; and the person so appointed shall hold his office until the next general election; provided, however, that, after the year one thousand eight hundred and twenty-six, the General Assembly may prescribe a different mode of appointment.

SEC. 16. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State; and also the Judges of the Circuit Courts in their respective districts, and Judges of the inferior Courts in their respective counties.

SEC. 17. The style of all process shall be "the State of Alabama," and all prosecutions shall be carried on in the name and by the authority of the State of Alabama, and shall conclude "against the peace and dignity of the same."

SEC. 18. There shall be an Attorney General for the State, and as many Solicitors as the General Assembly may deem necessary, to be elected by joint vote thereof, who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

IMPEACHMENTS.

SEC. 1. The House of Representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the Senate: when sitting for that purpose, the Senators shall be on oath or affirmation: and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all civil officers shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and to disqualification to hold any office of honor, trust, or profit under the State; but the party convicted shall nevertheless be liable and subject to indictment, trial, and punishment, according to law.

ARTICLE VI.

GENERAL PROVISIONS.

SEC. 1. The members of the General Assembly, and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit: "I solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and Constitution of the State of Alabama, so long as I continue a citizen thereof, and that I will faithfully discharge, to the best of my abilities, the duties of — according to law: so help me God."

SEC. 2. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 3. The General Assembly shall have power to pass such penal laws, to suppress the evil practice of Duelling, extending to disqualification from office or the tenure thereof, as they may deem expedient.

SEC. 4. Every person shall be disqualified from holding any office or place of honor or profit, under the authority of the State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

SEC. 5. Laws shall be made to exclude from office, from suffrage, and from serving as Jurors, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper conduct.

SEC. 6. In all elections by the General Assembly, the members thereof shall vote *viva voce*, and the votes shall be entered on the journals.

SEC. 7. No money shall be drawn from the Treasury, but in consequence of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually.

SEC. 8. All lands liable to taxation in this State shall be taxed in proportion to their value.

SEC. 9. The General Assembly shall direct, by law, in what manner, and in what courts, suits may be brought against the State.

SEC. 10. It shall be the duty of the General Assembly to regulate, by law, the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deduction.

SEC. 11. Absence on business of this State, or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

SEC. 12. No Member of Congress, nor any person holding any office of profit or trust under the United States, (the office of Postmaster excepted) or either of them, or any foreign power, shall hold or exercise any office of profit under this State.

SEC. 13. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in Chancery: and no decree for such divorce shall have effect until the same shall be sanctioned by two thirds of both Houses of the General Assembly.

SEC. 14. In prosecutions for the publishing of papers, investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the courts.

SEC. 15. Returns of all elections for officers who are to be commissioned by the Governor, and for members of the General Assembly, shall be made to the Secretary of State.

SEC. 16. No new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them, from which it shall be taken to a less content than nine hundred square miles; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of separate representation.

SEC. 17. The General Assembly shall, at their first session, which may be holden in the year eighteen hundred and twenty-eight, or at the next succeeding session, arrange and designate boundaries for the several counties within the limits of this State, to which the Indian title shall have been extinguished, in such manner as they may deem expedient; which boundaries shall not be afterwards altered, unless by the agreement of two thirds of both branches of the General Assembly, and in all cases of ceded Territory acquired by the State, the General Assembly may make such arrangements and designations of the boundaries of counties within such ceded Territory as they may deem expedient, which shall only be altered in like manner; provided that no county hereafter to be formed shall be of less extent than nine hundred square miles.

SEC. 18. It shall be the duty of the General Assembly to pass such laws as may be necessary and proper, to decide differences by arbitrators, to be appointed by the parties, who may choose that summary mode of adjustment.

SEC. 19. It shall be the duty of the General Assembly, as soon as circumstances will permit, to form a penal code, founded on principles of reformation, and not of vindictive justice.

SEC. 20. Within five years after the adoption of this Constitution, the body of our laws, civil and criminal, shall be revised, digested, and arranged under proper heads, and promulgated in such manner as the General Assembly may direct: and a like revision, digest, and promulgation, shall be made within every subsequent period of ten years.

SEC. 21. The General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement in relation to the navigable waters, and to the roads in this State, and for making a systematic and economical application of the means appropriated to those objects.

SEC. 22. In the event of the annexation of any foreign territory to this State, by a cession from the United States, laws may be passed, extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession; anything in this Constitution to the contrary notwithstanding.

EDUCATION.

Schools and the means of education shall forever be encouraged in this State; and the General Assembly shall take measures to preserve, from unnecessary waste or damage, such lands as are or hereafter may be granted by the United States for the use of schools within each township in this State, and apply the funds, which may be raised from such lands, in strict conformity to the object of such grant. The General Assembly shall take like measures for the improvement of such lands as have been or may be hereafter granted by the United States to this State, for the support of a Seminary of learning, and the moneys which may be raised from such lands, by rent, lease,

or sale, or from any other quarter, for the purpose, aforesaid, shall be and remain a fund for the exclusive support of a State University, for the promotion of the arts, literature, and the sciences: and it shall be the duty of the General Assembly, as early as may be, to provide effectual means for the improvement and permanent security of the funds and endowments of such institution:

ESTABLISHMENT OF BANKS.

SEC. 1. One State Bank may be established, with such number of branches as the General Assembly may, from time to time, deem expedient: Provided, that no branch bank shall be established, nor bank charter renewed, under the authority of this State, without the concurrence of two thirds of both Houses of the General Assembly; and provided, also, that not more than one bank nor branch bank shall be established, nor bank charter renewed, at any one session of the General Assembly; nor shall any bank or branch bank be established, or bank charter renewed, but in conformity with the following rules:

1. At least two-fifths of the capital stock shall be reserved for the State.

2. A proportion of power in the direction of the bank shall be reserved to the State, equal at least to its proportion of stock therein.

3. The State, and the individual stockholders, shall be liable, respectively, for the debts of the bank, in proportion to their stock holden therein.

4. The remedy for collecting debts shall be reciprocal, for and against the bank.

5. No bank shall commence operations until half of the capital stock subscribed for, be actually paid in gold or silver, which amount shall, in no case, be less than one hundred thousand dollars.

6. In case any bank or branch bank shall neglect or refuse to pay, on demand, any bill, note, or obligation, issued by the

corporation, according to the promise therein expressed, the holder of any such note, bill, or obligation, shall be entitled to receive and recover interest thereon, until the same shall be paid or specie payments are resumed by said bank, at the rate of twelve per cent. per annum from the date of such demand, unless the General Assembly shall sanction such suspension of specie payments; and the General Assembly shall have power, after such neglect or refusal, to adopt such measures as they may deem proper, to protect and secure the rights of all concerned: and to declare the charter of such bank forfeited.

7. After the establishment of a general state bank, the banks of this State now existing may be admitted as branches thereof, upon such terms as the Legislature and the said banks may agree, subject nevertheless to the preceding rules.

SLAVES.

SEC. 1. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: Provided, that such person or slave be the bona fide property of such emigrants; and provided, also, that laws may be passed to prohibit the introduction into this State of slaves, who have committed high crimes in other States or Territories. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to prevent slaves from being brought into this State as merchandize, and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb, and, in case of neglect, or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

SEC. 2. In the prosecution of slaves for crimes, of a higher grade than petit larceny, the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 3. Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free white person, and on the like proof; except in case of insurrection of such slave.

MODE OF AMENDING AND REVISING THE CONSTITUTION

The General Assembly, whenever two-thirds of each house shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in print, at least three months before the next general election of Representatives, for the consideration of the people, and it shall be the duty of the several returning officers at the next general election which shall be held for Representatives, to open a poll for, and make a return to the Secretary of State for the time being, of the names of all those voting for representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of all the citizens of this state, voting for representatives, have voted in favor of such proposed amendments; and two thirds of each House of the next General Assembly shall, after such an election, and before another, ratify the same amendments by yeas and nays, they shall be valid, to all intents and purposes, as parts of this Constitution: Provided, that the said proposed amendments shall at each of the said sessions have been read three times, on three several days, in each House.

SCHEDULE.

SEC. 1. That no inconvenience may arise from a change of Territorial to a permanent State Government, it is declared that all rights, actions, prosecutions, claims, and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place: and all process which shall, before the third Monday in September next, be issued in the name of the Alabama Territory, shall be as valid as if issued in the name of the State.

SEC. 2. All fines, penalties, forfeitures, and escheats accruing to the Alabama Territory, shall accrue to the use of the State.

SEC. 3. The validity of all bonds and recognizances executed to the Governor of the Alabama Territory, shall not be impaired by the change of government, but may be sued for and recovered in the name of the Governor of the State of Alabama and his successors in office: and all criminal or penal actions arising or now depending within the limits of this State, shall be prosecuted to judgment and execution in the name of said State; all causes of action arising to individuals, and all suits at law or in equity, now depending in the several Courts within the limits of this State and not already barred by law, may be commenced in, or transferred to, such Courts as may have jurisdiction thereof.

SEC. 4. All officers, civil or military, now holding commissions under the authority of the United States or of the Alabama Territory within this State, shall continue to hold and exercise their respective offices under the authority of this State, until they shall be superseded under the authority of this Constitution, and shall receive from the Treasury of this State the same compensation which they heretofore received, in proportion to the time they shall be so employed. The Governor shall have power to fill vacancies by commissions, to expire so soon as elections or appointments can be made to such offices, by authority of this Constitution.

SEC. 5. All laws and parts of laws, now in force in the Alabama Territory, which are not repugnant to the provisions of this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered, or repealed by the Legislature thereof.

SEC. 6. Every white male person above the age of twenty one years, who shall be a citizen of the United States, and resident in this State at the time of the adoption of this Constitution, shall be deemed a qualified elector at the first election to be holden in this State. And every white male person who shall reside within the limits of this State at the time of the adoption of this Constitution, and shall be otherwise qualified, shall be

entitled to hold any office or place of honor, trust, or profit under this State; anything in this Constitution to the contrary notwithstanding.

SEC. 7. The President of this Convention shall issue writs of election directed to the Sheriffs of the several counties, requiring them to cause an election to be held for a Governor, Representative to the Congress of the United States, Members of the General Assembly, Clerks of the several Courts and Sheriffs of the respective counties, at the respective places of election in said counties, on the third Monday and the day following in September next, which elections shall be conducted in the manner prescribed by the existing election laws of the Alabama Territory; and the said Governor and Members of the General Assembly, then duly elected, shall continue to discharge the duties of their respective offices, for the time prescribed by this Constitution, and until their successors shall be duly qualified.

SEC. 8. Until the first enumeration shall be made, as directed by this Constitution, the county of Autauga shall be entitled to two representatives; the county of Baldwin to one representative; the county of Blount to three representatives; the county of Cahawba to one representative; the county of Clark to two representatives; the county of Conecuh to two representatives; the county of Cotaco to two representatives; the county of Dallas to two representatives; the county of Franklin to two representatives; the county of Lauderdale to two representatives; the county of Lawrence to two representatives; the county of Limestone to three representatives; the county of Madison to eight representatives; the county of Marengo to one representative; the county of Marion to one representative; the county of Monroe to five representatives; the county of Montgomery to three representatives; the county of Mobile to one representative; the county of St. Clair to one representative; the county of Shelby to two representatives; the county of Tuscaloosa to three representatives; and the county of Washington to two representatives. And each county shall be entitled to one senator, who shall serve for one term.

SEC. 9. The oaths of office, herein directed to be taken,

may be administered by any Justice of the Peace, until the General Assembly shall otherwise direct.

ORDINANCE.

This Convention, for and in behalf of the people inhabiting this State, do accept the propositions offered by the act of Congress, under which they are assembled; and this Convention, for and in behalf of the people inhabiting this State, Do ordain, agree, and declare, that they forever disclaim all right and title to the waste or unappropriated lands lying within this state; and that the same shall be and remain at the sole and entire disposition of the United States; and, moreover, that each and every tract of land, sold by the United States after the first day of September next, shall be and remain exempt from any tax, laid by the order or under the authority of this state, whether for state, county, township, parish, or any other purpose whatsoever, for the term of five years from and after the respective days of sales thereof; and that the lands belonging to the citizens of the United States, residing out of the limits of this state, shall never be taxed higher than the lands belonging to persons residing therein; and that no tax shall be imposed on lands the property of the United States; and that all navigable waters within this state shall forever remain public highways, free to the citizens of this state and of the United States, without any tax, duty, impost, or toll therefor, imposed by this state: and this ordinance is hereby declared irrevocable, without the consent of the United States.

Done in Convention, at Huntsville, this second day of August, in the year of our Lord one thousand eight hundred and nineteen, and of American Independence the forty-fourth.

J. W. WALKER,

President of the Convention, and Representative from Madison County.

Madison County.

Clement C. Clay,	Henry Minor,
John Leigh Townes,	Gabriel Moore,
Henry Chambers,	John M. Taylor.
Lemuel Mead,	

Monroe County.

John Murphy,	James Pickens,
John Watkins,	Thomas Wiggins.

Blount County.

Isaac Brown,	Gabriel Hanby.
John Brown,	

Limestone County.

Thomas Bibb,	Nicholas Davis.
Beverley Hughes,	

Shelby County.

George Philips,	Thomas Amis Rogers.
-----------------	---------------------

Montgomery County.

John Dandridge Bibb,	James W. Armstrong.
----------------------	---------------------

Washington County.

Israel Pickens,	Henry Hitchcock.
-----------------	------------------

Tuskaloosa County.

Marmaduke Williams,	John L. Tindal.
---------------------	-----------------

Lawrence County.

Arthur F. Hopkins,	Daniel Wright.
--------------------	----------------

Franklin County.

William Metcalf,	Richard Ellis.
------------------	----------------

Cotaco County.

Thomas D. Crabb,	Melkijah Vaughan.
------------------	-------------------

Clark County.

Reuben Saffold,	James Magoffin.
-----------------	-----------------

Cahawba County—Littlepage Simms.

Conecuh County—Samuel Cook.

Dallas County—William R. King.

Marengo County—Washington Thompson.

Marion County—John D. Terrill.

Lauderdale County—Hugh McVay.

St. Clair County—David Conner.

Autauga County—James Jackson.

Baldwin County—Harry Toulmin.

Mobile County—S. H. Garrow.

Attest, JOHN CAMPBELL, *Secretary of the Convention.*

In obedience to the ninth section of an act of Congress, entitled "An act to enable the people of the Alabama territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original states; and in conformity with a Resolution of the Convention assembled by virtue of said Act, I do hereby certify the above and foregoing to be a true copy of the Constitution of the State of Alabama.

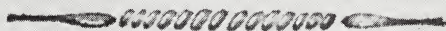
Given under my hand, at Huntsville, this 2d August, 1819.

J. W. WALKER, *President of the Convention.*

JOURNAL
OF THE
CONVENTION
OF THE
ALABAMA TERRITORY

BEGUN

July 5, 1819



HUNTSVILLE:
PRINTED BY JOHN BOARDMAN.
1819.

JOURNAL OF THE CONSTITUTIONAL CONVENTION, 1819

JOURNAL

OF the Convention of the Alabama Territory, begun and held at the town of Huntsville on the fifth day of July, in the year of our Lord one thousand eight hundred and nineteen, and of the Independence of the United States of America the forty fourth, being the time and place appointed for the meeting of the Convention for the purpose of forming a Constitution and State Government; By virtue of an act of Congress "Entitled an act to enable the people of the Alabama Territory, to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original States," passed on the second day of March, one thousand eight hundred and nineteen.

The following members appeared and took their seats, to wit:

From the county of Madison—*Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore, John W. Walker, and John M. Taylor.*

From the county of Monroe—*John Murphy, John Watkins, and James Pickens.*

From the county of Blount—*Isaac Brown, John Brown, and Garbiel Hanby.*

From the county of Limestone—*Thomas Bibb, Beverly Hughes and Nicholas P. Davis.*

From the county of Shelby—*George Phillips and Thomas A. Rogers.*

From the county of Montgomery—*John D. Bibb, and James W. Armstrong.*

From the county of Washington—*Israel Pickens and Henry Hitchcock.*

From the county of Tuscaloosa—*Marmaduke Williams and John L. Tindal.*

From the county of Lawrence—*Arthur F. Hopkins and Daniel Wright.*

From the county of Franklin—*Richard Ellis and William Metcalf.*

From the county of Cotaco—*Melikjah Vaughan and Thomas D. Crabb.*

From the county of Clark—*Reuben Saffold & Jas. M'Goffin.*

From the county of Cahaba—*Littlepage Sims.*

From the county of Conecuh—*Samuel Cook.*

From the county of Dallas—*William R. King.*

From the county of Marengo—*Washington Thompson.*

From the county of Marion—*John D. Terril.*

From the county of Lauderdale—*Hugh M'Vay.*

From the county of St. Clair—*David Conner.*

From the county of Autauga—*James Jackson.*

A sufficient number being present to proceed to business: On motion of Mr. Taylor, Mr. Pickens (of Washington) was called to the chair.

On motion of Mr. Taylor *Resolved*, that this Convention do now proceed to elect a President.

On motion of Mr. Clay *Resolved*, that tellers be appointed for the purpose of counting the ballots: Whereupon Mr. Clay and Mr. Phillips were appointed; and upon counting the ballots it appeared that Mr. John W. Walker was unanimously elected, who being conducted to the chair, returned his acknowledgements, and proceeded to the duties thereof.

On motion of Mr. Clay *Resolved*, that the Convention do now proceed to the election of a Secretary: Mr. Taylor and Mr. M'Vay were appointed tellers; and upon counting the ballots it

appeared that Mr. John Campbell was duly elected, whereupon he was notified of his appointment, and entered upon the duties of his office.

On motion of Mr. Pickens (of Washington) *Resolved*, that the Convention do now proceed to the election of a Doorkeeper, and on counting the ballots it appeared that Daniel Rather was duly elected, who entered upon the duties of his office.

On motion of Mr. Pickens (of Washington) *Resolved*, that a committee of five members be appointed to draft Rules of order and decorum for the Government of this Convention; whereupon Messrs. Pickens (of Washington,) Minor, Hanby, Rogers and Moore, were appointed.

On motion of Mr. Hitchcock—*Resolved*, That a Committee of Elections be appointed to consist of five members; whereupon Messrs. Hitchcock, M'Goffin, Townes, Ellis and Williams were appointed.

On motion of Mr. Hitchcock—*Resolved*, That the rules for the government of the House of Representatives of the Alabama Territory be adopted as the rules for the government of this Convention, so far as they are applicable, until otherwise ordered by the Convention.

On motion, ordered that the Convention do now adjourn till 10 o'clock tomorrow morning.

TUESDAY, 6th July, 1819.

The Convention met pursuant to adjournment.

Mr. Wiggins, a member from the county of Monroe, appeared and took his seat.

On motion—*Resolved*, That the Governor of this Territory be admitted to take a seat within the bar of this House.

On motion—*Resolved*, that the President assign to Mr. Boardman a seat within the bar of this House, for the purpose of taking down the proceedings thereof.

On motion of Mr. Mead—*Resolved*, That a Committee of Accounts be appointed, whereupon the following members were appointed Messrs. Mead, Davis, Crabb, Wright and M'Vay.

On motion, ordered that the Secretary of the Convention, under the direction of the President thereof, be and he is hereby authorised to contract for the Printing ordered by the Convention to be done during its session.

Mr. Williams offered the following resolution—*Resolved*, That it be expedient for the Convention at this time to form a Constitution and State Government for the people of the Alabama Territory.

To which Mr. Clay offered the following addition as an amendment, "in conformity with an Act of Congress of the United States, passed on the second day of March, one thousand eight hundred and nineteen, entitled "An act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union, on an equal footing with the original states," and

The question being taken thereon, it passed in the affirmative.

The question was then taken upon the resolution as amended, and decided in the affirmative.

The ayes and noes being demanded by two members present: Those who voted in the affirmative were, Mr. President Messrs. Armstrong, Bibb (of Limestone) Bibb, (of Montgomery) Brown, Chambers, Clay, Conner, Cook, Crabb, Davis, Ellis, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Goffin, M'Vay, Mead, Metcalf, Minor, Moore, Murphy, Phillips, Pickens, (of Monroe) Pickens, (of Washington) Rogers, Saffold, Sims, Taylor, Terril, Thompson, Tindal, Townes, Vaughan, Watkins, Wiggins, Williams and Wright.

No one voting in the negative, the said resolution was unanimously adopted.

On motion of Mr. Clay,—*Resolved*, That a Committee of — members be appointed to prepare and report to this Convention a plan of a Constitution or form of Government for the State to be formed of the Alabama Territory.

And on motion—*Resolved*, That the Convention do now proceed to the consideration of said Resolution.

And upon the question being taken thereon it was determined in the affirmative.

And the question being put, will the Convention agree to the said resolution, it was decided in the affirmative.

Mr. M'Vay moved that the blank in the said Resolution, be filled with the number twenty-two: which motion was decided in the negative.

Mr. Moore moved that the blank be filled with the number twenty: which motion was also decided in the negative.

Mr. Clay moved that the blank be filled with the number fifteen, which motion was decided in the affirmative.

Whereupon the following members were appointed in pursuance of the said resolution, to wit: Messrs. Clay, Pickens (of Washington) Bibb, (of Limestone) King, Taylor, Hitchcock, Murphy, Chambers, Hopkins, Saffold, Phillips, Watkins, Hughes, Bibb (of Montgomery) and Ellis.

On motion ordered that the Convention do now adjourn till ten o'clock tomorrow morning.

WEDNESDAY, 7th July 1819.

The Convention met pursuant to adjournment. Mr. Toulmin the member from the county of Baldwin, appeared and took his seat.

Mr. Pickens from the committee appointed to draft Rules of order and decorum for the Government of this Convention, made a report which was received.

On motion of Mr. Clay the Convention resolved itself into a committee of the whole on the said report, Mr. Murphy in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Murphy reported that the committee had according to order had the said report under consideration and had made several amendments therein with which they desired the concurrence of the Convention.

And the questions being taken thereon, they were determined in the affirmative.

The question was then taken on the adoption of said report as amended, and passed in the affirmative.

STANDING RULES OF ORDER AND DECORUM FOR CONDUCTING BUSINESS IN THE CONVENTION.

TOUCHING THE DUTIES OF PRESIDENT.

1. The President shall take the chair every day, at the hour to which the Convention shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the Convention by any two members, on which appeal no member shall speak more than once unless by leave of the Convention. He shall rise to put a question, but may state it sitting.

3. Questions shall be distinctly put in this form, viz: *As many as are of opinion that* [as the question may be] *say, aye;* and after the affirmative voice is expressed, *As many as are of the contrary opinion say, no.* If the President doubts, or a division be called for, the Convention shall divide; those of the affirmative of the question shall first rise from their seats, and afterwards those of the negative.

4. The President shall have a general direction of the Convention. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

5. Twelve members shall have power to call a house and send for absent members. A majority shall be a quorum to transact business, and five members, after the hour of twelve, may adjourn from day to day.

6. When a member is about to speak, debate, or deliver any matter to the Convention, he shall rise from his seat and respectfully address himself to Mr. President.

7. If any member, in speaking or otherwise, transgress the rules, the President shall, or any member may call to order, in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the Convention shall, if applied to, decide on the case, but without debate. If the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the Convention.

8. When two or more happen to rise at the same time, the President shall name the person who is first to speak.

9. No member shall speak more than twice to the same question without leave of the Convention; nor more than once, until every member choosing to speak shall have spoken.

10. Whilst the President is putting a question, or addressing the Convention, none shall walk across the room, nor, when a member is speaking, enter on private discourse; or pass between him and the chair.

11. Upon calls of the Convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

12. Any two members shall have a right to call for the yeas and nays of any question.

13. When a motion is made and seconded, it shall be stated by the President, or if in writing shall be read aloud by the Secretary, and every motion shall be reduced to writing, if the President or any member request it.

14. Any member may call for a division of the question when the sense will admit of it.

15. Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

16. After a motion is stated by the President, or read by the Secretary, it shall be deemed in possession of the Convention, but may be withdrawn at any time before the decision or amendment.

17. When a question is under debate no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend, which several motions shall have precedence in the order they stand arranged.

18. A motion to adjourn shall always be in order and shall be decided without debate.

19. The previous question shall be in this form, shall the main question be now put. It shall only be admitted when demanded by a majority of the members present, and until it is decided shall preclude all amendments and further debate of the main question—On a previous question there shall be no debate.

20. In taking the sense of the Convention a majority of the votes of the members present shall govern.

21. No resolution, section or article in the Constitution shall be finally concluded and agreed upon until, the same shall have been read on three several days, unless a majority of two

thirds may think it necessary to dispense with this rule, which vote shall be decided without debate.

22. When any question shall have been decided, it shall not be reconsidered but on motion of a member who voted in the majority, provided that if such motion be made after two days from such decision, a majority of the whole Convention shall be necessary to a reconsideration.

23. The Convention shall resolve itself into a committee of the whole when deemed necessary, and when in committee of the whole, shall be governed by the foregoing rules, except that in committee of the whole any member may speak as often as he may think proper.

24. The President may appoint committees, unless otherwise directed by the convention.

25. On all questions when the yeas and nays are demanded the President shall vote.

26. No member shall absent himself from the service of the Convention unless he have leave, be sick or unable to attend.

27. Upon a call of the Convention, the names of the members shall be called over by the Secretary, and the absentees without leave, noted; one hour after which, the names of the absentees shall again be called over, and those for whom no excuse, or an insufficient excuse is made, may, by order of those present if twelve in number, be taken into custody as they appear or may be sent for and taken into custody where to be found.

COMMITTEES—THEIR DUTY.

28. It shall be the duty of the committee of elections to examine and report upon the certificates of elections and other credentials of members returned to serve in this Convention, and to take into their consideration all such petitions and other matters, touching elections and returns, as shall or may be presented, or come in question and be referred to them by the Convention.

29. No committee shall sit during the sitting of the Convention without special leave.

30. The Secretary of the Convention shall take an oath, to be administered by the President, for the due and faithful discharge of the duties of his office to the best of his knowledge and abilities. It shall be his duty to keep and preserve all records and papers introduced and submitted to the consideration of the Convention; to furnish such papers as may be committed, with the names of the members that compose such committee, to the chairman thereof; and in all things to perform his duty as Secretary of this Convention, under the direction of the President.

31. All questions relating to the priority of business to be acted on shall be decided without debate.

On motion ordered that one hundred copies of the foregoing rules be printed for the use of the members of this Convention.

Mr. Toulmin offered the following resolution *Resolved*, that a committee be appointed to take into consideration and report to this Convention, their opinion on the propositions offered by the Congress of the United States for their free acceptance or rejection of this Convention in the sixth section of the Act entitled "an act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States."

And on motion ordered that said resolution lie upon the table.

Mr. Townes offered the following resolution; *Resolved*, that the Secretary of this Convention be and he is hereby authorized to employ one or two assistants or clerks, to aid him in the duties of his office; whose duties shall commence from and after the instant.

And on motion ordered that the said resolution lie upon the table.

On motion of Mr. Bibb (of Montgomery) *Resolved*, that the Door keeper be directed to employ in the service of this Convention a suitable person to aid him in the discharge of his duties.

And on the question being put, will the Convention now consider the said Resolution. It was determined in the affirmative.

And on the question being put, will the Convention agree to the said resolution. It was passed in the affirmative.

Mr. Taylor offered the following resolution; *Resolved*, that the Secretary be authorized, under the direction of the President to purchase such Stationary, as may be necessary for the use of the Convention during the session.

And upon the question being put, will the Convention consider the said resolution. It was determined in the affirmative.

And on the question, will the Convention agree to the said resolution. It was passed in the affirmative.

On motion ordered that the Convention do now adjourn till 10 o'clock tomorrow morning.

THURSDAY, July 8, 1819.

The Convention met pursuant to adjournment.

Mr. Moore offered the following resolution; *Resolved*, that Mr. John Campbell, Secretary to this Convention, be now qualified, in conformity with the rules of order and decorum which have been adopted for the Government of this body.

And on the question being taken thereon, it passed in the affirmative,

When the oath was administered by the President in conformity with the rules aforesaid.

On motion of Mr. Clay the resolution offered by Mr. Townes on yesterday, and ordered to lie upon the table: authorizing the Secretary to employ an assistant &c. was called up and after making some amendments thereto was adopted as follows: *Resolved*, that the Secretary of this convention be and he is hereby authorized to employ an assistant clerk to aid him in the duties of his office, whose duties shall commence from and after the 8th instant.

On motion of Mr. Clay, the Resolution offered by Mr. Toulmin on yesterday, relative to the propositions contained in the 6th section of the act for the admission of this Territory into the Union was called up.

And on motion the Convention Resolved itself into a committee of the whole, on said resolution: Mr. Pickens of (Washington) in the chair, and after sometime spent therein Mr. President resumed the chair and Mr. Pickens reported that the committee had according to order, had the said Resolution under consideration, and had amended the same by striking out the whole of said resolution after the word *Resolved*, and inserting in lieu thereof, the following "That this Convention in behalf of the people of the Alabama Territory do accept of the propositions contained in the 6th section of the act, for the admission of the said Territory into the Union, and on the conditions expressed therein: and that a committee of members be appointed to draft an ordinance conformably to the provisions of said section.

With which amendment they asked the concurrence of the Convention.

And the question being taken thereon. It passed in the affirmative.

The question was then taken on the adoption of said resolution as amended. It passed in the affirmative.

Mr. Moore moved that the Blank in the said resolution be filled with the word "five."

And the question being taken thereon, it passed in the affirmative.

Whereupon the following members were appointed, in pursuance of said resolution, Messrs. Toulmin, Townes, M'Goffin, Rogers and Williams.

On motion ordered that this Convention do now adjourn till 10 o'clock on Monday next.

MONDAY, July 12, 1819.

The Convention met pursuant to adjournment.

On motion, ordered that this Convention do now adjourn till 10 o'clock to-morrow morning.

TUESDAY, July 13, 1819.

The Convention met pursuant to adjournment.

Mr. Hitchcock from the committee of elections made the following report, which was received.

The committee of elections to whom was refered the certificates and credentials of the members returned to serve in this Convention, report the following members duly elected.

From the county of Madison—*Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, John W. Walker, Gabriel Moore, Henry Minor and John M. Taylor.*

From the county of Blount—*John Brown, Isaac Brown, and Gabriel Hanby.*

From the county of Limestone—*Thos. Bibb, Beverly Hughes, and Nicholas Davis.*

From the county of Shelby—*George Phillips and Thomas A. Rogers.*

From the county of Montgomery—*John D. Bibb and James W. Armstrong.*

From the county of Washington—*Israel Pickens and Henry Hitchcock.*

From the county of Tuskaloosa—*Marmaduke Williams and John L. Tindal.*

From the county of Monroe—*John Watkins, John Murphy, James Pickens, and Thomas Wiggins.*

From the county of Lawrence—*Arthur F. Hopkins and Daniel Wright.*

From the county of Franklin—*Richard Ellis and William Metcalf.*

From the county of Cotaco—*Malkijah Vaughan, and Thomas D. Crabb.*

From the county of Clark—*Reuben Saffold and James M'-Goffin.*

From the county of Baldwin—*Harry Toulmin.*

From the county of Cahaba—*Littlepage Sims.*

From the county of Conecuh—*Samuel Cook.*

From the county of Dallas—*William R. King.*

From the county of Marengo—*Washington Thompson.*

From the county of Marion—*John D. Terril.*

From the county of Lauderdale—*Hugh M'Vay.*

From the county of St. Clair—*David Conner.*

From the county of Autauga—*James Jackson.*

Mr. Toulmin from the committee appointed to draft an ordinance, conformably to the conditions, contained in the 6th section of the act for the admission of this Territory into the Union; made a report, which was received and read the first time.

And on motion ordered that the said report be referred to a committee of the whole and be made the order of the day for

to-morrow, and that fifty copies thereof be printed for the use of the members.

Mr. Clay, from the committee appointed to draft a plan of a Constitution or form of Government for the State to be formed of the Alabama Territory, made a report, which was received and read the first time.

And on motion of Mr. Clay, ordered that the said report be referred to a Committee of the whole and be made the order of the day for Thursday next.

Mr. Chambers moved that one hundred copies of the said report be printed for the use of the Convention.

And the question being taken thereon it was decided in the negative.

Mr. Clay moved that seventy-five copies be printed for the use of the Convention.

And the question being taken thereon it was decided in the affirmative.

On motion, ordered that the Convention do now adjourn till 10 o'clock to-morrow morning.

WEDNESDAY, July 14, 1819.

The Convention met pursuant to adjournment.

Mr. King called for the order of the day on the report of the committee appointed to prepare an ordinance, conformably to the conditions of the 6th section of the act for the admission of this Territory into the Union.

And on motion the Convention resolved itself into a committee of the whole on said report—Mr. Pickens (of Washington) in the chair; and after some time spent therein—Mr. President resumed the chair, and Mr. Pickens reported that the committee had according to order had the said report under

consideration, and had amended the same by striking out the preamble and the word therefore, with which amendment they desired the concurrence of the Convention.

On motion of Mr. King, ordered that the said report and amendment lie upon the table.

Mr. Hitchcock offered the following additional rule for the government of this Convention:

All adjournments shall be to 9 o'clock on the succeeding day.

And the question being taken thereon it was decided in the negative.

Mr. Minor offered the following resolution—*Resolved*, That a committee of members be appointed, to draw and report to this Convention a Memorial to the Congress of the United States praying that if the treaty with Spain, made at Washington during the present year, shall be ratified by the Spanish government—so much of the Territory thereby ceded to the United States as lies West of the Appalachian river, may be annexed to the State of Alabama.

And the question being taken thereon, it passed in the affirmative.

On motion—*Resolved*, That the blank in said resolution be filled with the word "five."

And the question being taken thereon, it passed in the affirmative.

Whereupon the following members were appointed in pursuance of the said resolution. Messrs. Minor, Toulmin, Cook, Terril and Jackson.

On motion ordered that when this Convention adjourns, it will adjourn till ten o'clock on Monday next.

On motion ordered that the Convention do now adjourn.

MONDAY, July 19, 1819.

The Convention met pursuant to adjournment.

Mr. Bibb, (of Limestone) moved the reconsideration of the motion made by Mr. Hitchcock on Wednesday last, that the following be added as an additional Rule for the government of this Convention.

“All adjournments shall be to 9 o'clock on the succeeding day unless otherwise ordered by the Convention.”

And the question being taken thereon, it passed in the affirmative.

The question was then taken on the adoption of the said rule and decided in the affirmative.

Mr. Toulmin offered the following resolution—*Resolved*, That the same record be kept of the proceedings in committee of the whole as it is usual to keep when the President is in the Chair.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Clay, the Convention *Resolved* itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution. Mr. King in the Chair—and after the some time spent therein Mr. President resumed the chair and Mr. King reported that the committee had according to order, had the said report under consideration, had made some progress therein, but not having time to go the same, had directed him to ask leave to sit again which was granted.

On motion of Mr. Townes—*Resolved*, That when this Convention adjourns, it will adjourn to 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a Constitution; Mr. Toulmin in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Toulmin reported that the committee had according to order had the said report under consideration, had made some progress therein but not having time to go thro' the same, had directed him, to ask leave to sit again which was granted.

Mr. Mead moved the following resolution—*Resolved*, That the Secretary, be directed to have printed for the use of the members, copies of the Journal of the proceedings of this Convention.

And the question being taken thereon, it passed in the affirmative.

On motion of Mr. King, ordered that the said resolution lie upon the table.

On motion, ordered that the Convention do now adjourn.

TUESDAY July 20, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention again resolved itself into a committee of the whole on the report of the committee appointed, to prepare and report a plan of a Constitution and State Government for the State to be formed of the Alabama Territory. Mr. Bibb (of Limestone) in the chair, and after some time spent therein—Mr. President resumed the chair and Mr. Bibb reported, that the committee had according to order had the said report under consideration, had made some progress therein but, not having time to go through the same had directed him to ask leave to sit again which was granted.

On motion of Mr. Taylor *Resolved*, that when this Convention adjourns, it will adjourn till half past three o'clock this evening.

On motion ordered that the Convention do now adjourn.

Half past 3 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution and State Government, for the State to be formed of the Alabama Territory. Mr. Saffold in the chair and after sometime spent therein, Mr. President resumed the chair and Mr. Saffold reported that the committee had according to order had the said report under consideration and had made some progress therein but, not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 21, 1819.

The Convention met pursuant to adjournment.

Mr. Mead called up the resolution offered by him on Monday last directing the Secretary of this Convention to have printed for the use of the members copies of the Journals of the proceedings of this Convention.

To which Mr. King moved an amendment in the following words: "And copies to be distributed by the Secretary of State among the several counties of the State (according to the law in relation to the distribution of the Journals of the House of Representatives); retaining copies to be deposited in the Executive office.

And the question being taken thereon, it passed in the affirmative.

On motion of Mr. King *Resolved*, that the first blank in the Resolution be filled with the words "forty-five," the second blank with the words "five hundred" and the third blank with the words "twenty-five."

On motion of Mr. King the Convention *Resolved* itself into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution. Mr. Murphy in the chair; and after sometime spent therein, Mr. President resumed the chair and Mr. Murphy reported that the committee had according to order had the said report under consideration, and had made some progress therein but, not having time to go through the same had directed him to ask leave to sit again, which was granted.

On motion of Mr. Taylor, *Resolved*, that when this Convention adjourns: It will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 21, 1819—4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Hughes the Convention resolved itself again into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution, Mr. Toulmin in the chair, & after some time spent therein—Mr. President resumed the chair, and Mr. Toulmin reported that the committee had according to order had the said report under consideration & had made some progress therein, but not having time to go through the same had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

THURSDAY, July 22, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole to take into consideration the report

of the committee appointed to prepare and report a plan of a Constitution, Mr. King in the chair, & after some time spent therein, Mr. President resumed the chair and Mr. King reported, that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion of Mr. Taylor *Resolved*, that when this Convention adjourns, it will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself again into a committee of the whole to take into consideration the report of the committee appointed to prepare and report a plan of a Constitution. Mr. Pickens (of Washington) in the chair—and after some time spent therein, Mr. President resumed the chair and Mr. Pickens reported that the committee had according to order had the said report under consideration, had made some progress therein, but not having time to go thro' the same, had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

FRIDAY, July 23, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Clay the Convention resolved into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution; Mr. Bibb (of Limestone) in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Bibb reported that the committee had according to order had the said report under consideration, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion *Resolved*, That when this Convention adjourns, it will adjourn till 4 o'clock this evening.

On motion ordered that this Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution, Mr. Murphy in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Murphy reported that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion ordered that the Convention do now adjourn.

SATURDAY, July 24, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Bibb of Limestone *Resolved*, that when this Convention adjourns it will adjourn till 10 o'clock on Monday next.

On motion of Bibb of Limestone, the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution. —Mr. Pickens of Washington in the chair; and after sometime spent therein, Mr. President resumed the chair, and Mr. Pickens reported that the committee had according to order had the said report under consideration and had made some progress therein, but not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion ordered that this Convention do now adjourn.

MONDAY, July 26, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King, the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a Constitution. Mr. Saffold in the chair; and after sometime spent therein, Mr. President resumed the chair, and Mr. Saffold reported that the committee had according to order had the said report under consideration and had made some progress therein but not having time to go thro' the same, had directed him to ask leave to sit again, which was granted.

On motion of Mr. King *Resolved*, that when this Convention adjourns it will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution—Mr. King in the chair; and after sometime spent therein, Mr. President resumed the chair, and Mr. King reported that the committee had according to order had said report under consideration and had made some progress therein, but not having time to go thro' the same had directed him to ask leave to sit again which was granted.

On motion ordered that the Convention do now adjourn.

TUESDAY, July 27, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. Taylor the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution—Mr.

Bibb of Limestone in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Bibb reported that the committee had according to order had said report under consideration and had made some progress therein but not having time to go thro' the same had directed him to ask leave to sit again, which was granted.

On motion of Mr. King *Resolved*, that when this Convention adjourns it will adjourn till half past 3 o'clock.

On motion ordered that this Convention do now adjourn.

Half past 3 o'clock P. M.

The Convention met pursuant to adjournment.

Mr. Garrow a member from the county of Mobile appeared and took his seat.

On motion of Mr. Hughes the Convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of a Constitution for the State of Alabama. Mr. Pickens of Washington in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Pickens reported that the committee of the whole had according to order had the said report under consideration had made sundry amendments thereto. With which the committee asked the concurrence of the Convention.

On motion of Mr. King, ordered that the said report with the amendments lie upon the table.

On motion of Mr. King the report of the committee appointed to prepare an ordinance conformably to the conditions contained in the sixth section of the act of Congress for the admission of this Territory into the Union with the amendments made thereto in committee of the whole, was called up.

And on motion the Convention again resolved itself into a committee of the whole on the said report and amendments.—Mr. Pickens of Washington in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Pickens

reported that the committee had according to order had the said ordinance with the amendments under consideration and had made sundry amendments thereto, With which they asked the concurrence of the Convention,

And the question being taken thereon, it passed in the affirmative.

The said ordinance was then read a second time and ordered to be engrossed and read a third time.

On motion ordered that the Convention do now adjourn.

WEDNESDAY, July 28, 1819.

The Convention met pursuant to adjournment.

Mr. Minor from the committee appointed to draw and report to this Convention a memorial to the Congress of the United States praying that if the treaty with Spain made at Washington during the present year, shall be ratified by the Spanish Government, so much of the Territory thereby ceded to the United States as lies west of the Apalachicola River may be annexed to the State of Alabama, made a report which was received and read the first time, and ordered to be laid on the table.

On motion of Mr. King the Convention proceeded to consider the amendments made to the Constitution as reported by the committee of the whole.

The amendments made to the preamble of the Constitution as reported by the committee of the whole in the 4th, 6th and 16th lines being read, and the questions being taken thereon they were concurred in by the Convention.

A motion was made by Mr. Pickens of Washington, to amend the last amendment made in committee of the whole the preamble of the Constitution, by striking out the words "alteration or," and the question being taken thereon, it passed in the affirmative.

ARTICLE 1—DECLARATION OF RIGHTS.

The amendments made to the 3d, 5th, 9th, 11th, and 17th sections, being read and the questions being taken thereon, they were concurred in by the Convention.

Mr. Taylor moved to amend the amendment made in committee of the whole to the 21st section, by striking out the words, "except during the life of the offender."

And the question being taken thereon, it passed in the affirmative.

The question was then taken on concurring with the amendment as amended, and passed in the affirmative.

The question was then taken on the amendment made to the 29th section, and concurred in by the Convention.

ARTICLE 3—LEGISLATIVE DEPARTMENT

The amendment which was made in committee of the whole to the 3d sec. being read, was concurred in by the Convention.

Mr. King moved to disagree to the amendment made in committee of the whole to the 4th section, which struck out the words twenty three and inserted the words "twenty one," the age prescribed as to qualification for a Representative.

And the question being taken, will the Convention concur in said amendment, it passed in the affirmative.

The yeas and nays being called for by two members present, those who voted in the affirmative are,

Messrs. Armstrong, Bibb (of Limestone), John Brown, Isaac Brown, Clay, Conner, Cook, Crabb, Davis, Ellis, Hanby, Hopkins, Hughes, Jackson, M'Goffin, Metcalf, Moore, Phillips, Pickens, (of Washington) Rogers, Saffold, Terril, Thompson, Tindal, Townes, Vaughan, Wiggins, Wright and Williams—29.

And those who voted in the negative are, Mr. President, Messrs. Bibb, (of Montgomery) Chambers, Garrow, Hitchcock, King, M'Vay, Minor, Pickens, (of Monroe) Sims, Taylor, Toulmin, and Watkins—13.

The amendments to the 5th, 8th, 9th, 10th, 11th and 12th sections were read and concurred in.

The new section proposed by the committee of the whole to come in after the 12th section was read and concurred in.

The amendments to the 17th, 25th and 26th sections were read and concurred in.

The amendments made to the 28th section being read, Mr. Toulmin moved to amend the amendment by striking out the words 1828, and inserting in lieu thereof 1825.

And the question being taken thereon, it passed in the affirmative.

Mr. Williams moved to strike out the provisio to the amendment, and the question being taken thereon, it was decided in the negative.

Mr. Clay moved farther to amend the amendment by adding an additional provisio in the following words; "And provided also that the General Assembly shall make no appropriations previous to the year 1825 for the building of any other State House than that now provided for by law.

And the question being taken thereon, it passed in the affirmative.

The question was then taken on concurring with the amendment as amended, and decided in the affirmative.

ARTICLE 4—EXECUTIVE DEPARTMENT

Amendments made to the 5th, 6th, 8th, 14th, 15th, 17th, 21st, 22d, 23d, and 25th sections were read and concurred in.

MILITIA

The amendments made to the 2d section were read and concurred in.

The fourth section was then read as amended in committee of the whole, which prescribes that all officers of the militia shall be elected or appointed in such manner as may be prescribed by law; provided that the General Assembly shall not make any such elections or appointments other than those of Adjutants General and Quarter-masters General.

Mr. Saffold moved to amend the amendment made in committee of the whole, by striking out the words "provided that the General Assembly shall not make any such elections or appointments."

And the question being taken therein, it was decided in the negative.

The yeas and nays being demanded by two members present: those who voted in the affirmative are,

Messrs. Moore, Pickens (of Monroe) Saffold, Tindall, Townes, Wiggins, and Williams—7.

Those who voted in the negative are, Mr. President, Messrs. Armstrong, Bibb, (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Conner, Cook, Crabb, Davis, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Goffin, M'Vay, Metcalf, Minor, Phillips, Pickens (of Washington) Rogers, Sims, Taylor, Terril, Thompson, Toulmin, Vaughan, Watkins, and Wright—35.

Mr. King then moved to strike out the words "other than those of Adjutants General and Quarter-masters General."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present,

those who voted in the affirmative are Mr. President, Messers Bibb, (of Limestone) Bibb (of Montgomery) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, King, Pickens, (of Washington) Rogers, Sims, Taylor, Terril, Thompson, Toulmin, Vaughan, and Watkins—19.

Those who voted in the negative are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Hopkins, Hughes, Jackson, M'Goffin, M'Vay, Metcalf, Minor, Moore, Phillips, Pickens (of Monroe,) Saffold, Tindal, Townes, Wiggins, Wright and Williams—23.

The amendments to the fifth section were then read, giving to the Governor the appointment of his Aids-de-Camp.

Mr. King moved to amend the amendment by striking out the words "*his own Aids-de-Camps*," and inserting in lieu thereof "*his staff officers*" — And the question being taken thereon, it was decided in the negative.

Mr. Toulmin moved to amend the amendment by adding the following words, "he shall nominate, and by and with the advice and consent of the Senate appoint, all general staff officers, whose appointments are not otherwise provided for; and the question being taken thereon, it was decided in the negative.

The question was then taken on the amendment as reported by the committee of the whole and decided in the affirmative.

ARTICLE 5—JUDICIAL DEPARTMENT

The amendments made in committee of the whole to sections 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th and 13th were read and concurred in.

The amendment made to the 16th section, which provides that the clerks of the several courts shall be appointed in such manner and be removed from office for such causes, as may be prescribed by law—being read,

Mr. Clay moved to amend the amendment by adding the fol-

lowing words, "provided that the General Assembly shall not make such appointments," And the question being taken thereon, it was decided in the negative.

Mr. Saffold then moved to amend the amendment by striking out the amendment of the committee of the whole, after the word several, and inserting the following words, after the word several, "Circuit and Inferior courts in this state shall be elected by the qualified electors in each county for the term of years and may be removed from office for such causes and in such manner as may be prescribed by law, and should a vacancy occur subsequent to an election, it shall be filled by the Judges of the court in which the vacancy exists, and the person so appointed shall hold his office until the next General election.

And the question being taken on striking out said words, it was decided in the affirmative.

The yeas and nays being demanded by two members present. Those who voted in the affirmative, are Messrs. Armstrong, Bibb, (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Watkins, Wiggins and Williams—23.

Those who voted in the negative are Mr. President, Messrs. Bibb, (of Limestone) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Minor, Pickens, (of Monroe) Pickens, (of Washington) Rogers, Toulmin, Taylor, Townes and Wright—19.

The question was then taken on inserting said words and decided in the affirmative.

The yeas and nays being demanded by two members present. Those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Pickens, (of Monroe) Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Watkins, Wiggins, and Williams—24.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Minor, Pickens, (of Washington) Rogers, Taylor, Toulmin, Townes, & Wright—18.

On motion of Mr. King—*Resolved*, that when this Convention adjourns it will adjourn till 4 o'clock, P. M.

On motion ordered that the Convention do now adjourn.

4 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. King the Convention proceeded to consider the amendments made to the Constitution as reported by the committee of the whole.

Mr. Clay moved farther to amend the amendment made to the 16th section by adding the following words, "provided that no person who may be elected clerk shall be permitted to enter on the duties of the office, "till he shall have produced to the court for which he shall have been elected clerk a certificate from some Judge of the Supreme or Circuit court of this State that he is qualified for the duties of his office, and a failure to produce such certificate shall be deemed a vacation of the office, and the court shall proceed to appoint a clerk, for the remainder of the term." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, M'Goffin, Metcalf, Minor, Rogers, Taylor, Terril, Townes and Wright—17.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Vay, Moore, Phillips, Pickens (of Washington) Pickens (of Monroe) Saffold,

Sims, Thompson, Tindal, Toulmin, Vaughan, Watkins, Wiggins, Williams and Armstrong—25.

Mr. Hughes moved to fill the blank in said amendment with the word "ten," and the question being taken, it was decided in the negative.

Mr. Bibb (of Montgomery) moved to fill the blank with the word "four." And the question being taken, it was decided in the affirmative.

Mr. Toulmin moved farther to amend the said amendment by adding the following proviso, "provided, however, that the General Assembly shall direct a mode by which persons so elected shall within six months after their election, be examined by clerks or other persons well skilled in the duties of a clerk and should it appear on such examination that any person so elected is not duly qualified to discharge the duties of the office, another clerk shall be elected at the next general election, and the duties of the office shall in the mean time be discharged in such manner as may be prescribed by law," and the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Chambers, Clay, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, M'Goffin, Rogers, Terril, Toulmin, Townes and Wright—15.

Those who voted in the negative, are Mr. President, Messrs. Armstrong, Bibb, (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Hanby, Jackson, M'Vay, Metcalf, Minor, Moore, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Taylor, Thompson, Tindal, Vaughan, Watkins, Wiggins, and Williams—27.

The question was then taken on concurring in the amendment as amended, and was decided in the affirmative.

The amendment to the 19th section was then read, and the words "circuit attornies," stricken out, and the word "solicitors" inserted.

ARTICLE 6—GENERAL PROVISIONS

The amendments made by the committee of the whole to the 9th, 12th, 14th, 15th and 16th sections were read and concurred in.

The amendment to the 17th section being read, Mr. Bibb of Montgomery, moved to strike out the words "at the next succeeding session," and the question being taken thereon, it was decided in the negative.

The amendments made in committee of the whole by striking out entirely the 19th, 20th and 21st sections, were concurred in.

The amendment to the 24th section being read was concurred in.

SLAVES.

The amendment made to the 2d section was read and concurred in.

*MODE OF AMENDING AND REVISING THE
CONSTITUTION.*

The amendment made to the 12th line was read and concurred in.

ESTABLISHMENT OF BANKS

The amendments made to the 1st section and to the 1st, 5th, 6th and 7th rule were read and concurred in.

SCHEDULE

The amendments made to the 1st, 6th and 8th sections were read and concurred in.

The new section introduced in committee of the whole designating new election precincts being read, and the question being taken, will the Convention concur in this amendment—it was decided in the negative.

On motion ordered that the Convention do now adjourn.

THURSDAY, *July* 29, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King, ordered that the Constitution be now read a second time: which was done accordingly.

Mr. Pickens (of Washington) moved the following amendment as a new section under the head of "General Provisions"

"In the event of the annexation of any foreign territory to this State by a cession from the United States, laws may be passed extending to the inhabitants of such territory all the rights and privileges which may be required by the terms of such cession; any thing in this Constitution to the contrary notwithstanding."

And the question being taken thereon, it passed in the affirmative.

Mr. Pickens (of Monroe) moved to amend the 5th section of the 3d article by adding a proviso in the following words, "and provided also that the General Assembly shall have power to declare what other free persons above the age of twenty one years, shall be entitled to the right of suffrage."

And the question being taken thereon, it was decided in the negative.

Mr. Bibb (of Limestone) moved to amend the 5th section of the 3d article by adding a proviso in the following words, "provided that the General Assembly shall have power to define by law, what free persons of mixed blood shall be deemed white persons within the meaning of this section and who with the qualifications of age and residence herein required shall be deemed qualified electors."

On motion of Mr. Taylor, ordered that the said amendment lie upon the table.

Mr. Taylor moved to strike out the 16th section of the 5th

article, (relative to the appointment of clerks,) and to insert in lieu thereof the following, "Clerks of the several Courts shall be appointed in such manner, and hold their offices for such term and be removed for such causes, as may be prescribed by law."

And the question being taken thereon, it was decided in the [affirmative.]

Mr. Bibb (of Limestone) moved to strike out all that part of the 1st section under the article of slaves, which follows the word "humanity," in the 16th line.

And the question being taken thereon, it was decided in the negative.

Mr. Taylor moved to insert, after the word "crimes," in the 2d section under the article of slaves the following words, "of a higher grade than petit larceny."

And the question being taken thereon, it was decided in the affirmative.

Mr. Bibb (of Limestone) moved to amend the third section under the article of slaves by striking out the remainder of the section which follows the word "slave," in the 4th line.

And the question being taken thereon, it was decided in the affirmative.

Mr. Clay moved to amend the 15th section of the 6th article by inserting after the word "Governor," "and for members of the General Assembly."

And the question being taken thereon, it was decided in the affirmative.

Mr. Chambers moved to strike out the 1st section under the head of Banks, as reported by the Committee of the whole and to insert in lieu thereof the following:

"No Bank nor Branch Bank shall be established, nor bank charter renewed under the authority of this State, without the concurrence of a majority of the members elected to each House of the General Assembly, not more than one Bank or Branch Bank shall be established, nor Bank charter renewed at any one session of the General Assembly, nor shall any Bank or Branch Bank be established or Bank charter renewed but in conformity with the following Rules."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are, Mr. President, Messrs. Chambers, Clay, Ellis, Garrow, Hitchcock, Hopkins, Minor, Pickens, (of Monroe) Pickens (of Washington) Taylor and Watkins—12.

Those who voted in the negative, are Messrs. Armstrong, Bibb (of Montgomery) Bibb (of Limestone) John Brown, Isaac Brown, Conner, Cook, Crabb, Davis, Hanby, Hughes, Jackson, King, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Rogers, Saffold, Sims, Terril, Thompson, Tindal, Toulmin, Townes, Vaughan, Wiggins, Wright and Williams—30.

Mr. King moved to amend the 1st section under the head of "mode of amending and revising the Constitution," in the 8th line by striking out the words "entitled to vote" and inserting in lieu thereof the word "voting" and in the 9th line by striking out the words, "in favor of" and inserting in lieu thereof the word "on" in the 11th line by striking out the words "entitled to a vote" and inserting in lieu thereof the word "voting."

And the question being taken thereon, it was decided in the affirmative.

Mr. Jackson moved to amend the 14th section of the 5th article, which provides that the Judges shall hold their offices during good behavior, by striking out the words "good be-

haviour," and inserting in lieu thereof the words "the term of six years."

And the question being taken on striking out, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Saffold, Sims, Terril, Thompson, Vaughan and Wiggins—18.

Those who voted in the negative, are Mr. President, Bibb, (of Limestone) Bibb (of Montgomery) Chambers, Clay, Crabb, Davis, Ellis, Garrow, Hitchcock, Hopkins, Hughes, King, Mead, Murphy, Minor, Pickens (of Monroe) Pickens (of Washington) Rogers, Taylor, Tindal, Toulmin, Townes, Watkins, Wright, and Williams—25.

Mr. Saffold moved to amend the 14th section of the 5th article, by striking out the following words (after the word provided) "however, that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the Journals of each House—and provided further that the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass, and in all such cases the vote shall be taken by yeas and nays and entered on the Journals of each house respectively—and provided also."

And the question being taken thereon, it was decided in the negative.

Mr. Phillips moved to amend the Constitution by striking out the first section of the 6th article, and inserting the following in lieu thereof. "Every officer of this State before entering upon the duties of his office, shall take the following oath or affirmation I, A B do solemnly swear as the case may be that I have not used any undue means to procure my election

or appointment, either by treating, bribery, false representation or otherwise either directly or indirectly, & that all matters and things touching the services I am to perform I will do to the best of my abilities, conduct myself so as to promote the public good, that I am duly qualified according to the Constitution of this State, and that I will support the same, and the Constitution of the United States."

And the question being taken thereon, it was decided in the negative.

Mr. Bibb (of Montgomery) moved to amend the 8th section of the 3d article, by striking out so much, as gives separate representation to towns.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two Members present, those who voted in the affirmative, are messrs Armstrong, Bibb (of Limestone) Bibb (of Montgomery) Isaac Brown, Crabb, M'Goffin, Metcalf, Murphy, Phillips, Pickens (of Monroe)¹ Pickens (of Washington) Saffold, Terril, Tindal, Vaughan, Wiggins and Williams—17.

Those who voted in the negative, are Mr. President, Messrs. John Brown, Chambers, Clay, Conner, Cook, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Minor, Moore, Rogers, Sims, Taylor, Thompson, Toulmin, Townes, Watkins and Wright—25.

On motion of Mr. Bibb, (of Limestone) ordered that the Constitution be laid upon the table.

On motion of Mr. Bibb, (of Limestone,) *Resolved*, that when this Convention adjourns, it will adjourn till 4 o'clock this evening.

On motion ordered that the Convention do now adjourn.

4 o'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Hitchcock, the Convention resumed the consideration of the Constitution.

Mr. Hitchcock moved to strike out the 4th and 5th sections under the head of "militia," and insert the following, "The Governor shall appoint his Aids-de-camp, Majors General shall appoint their Aids-de-camp, and all other division Staff officers; Brigadiers General, shall appoint their Aids-de-camp and all other Brigade Staff officers; Colonels shall appoint their regimental Staff officers: and all other officers of the militia shall be elected or appointed in such manner as may be prescribed by law, provided that the General Assembly, shall not make any such elections or appointments, other than Adjutants General or Quarter Masters General, and all militia officers shall be commissioned by the Governor."

And the question being taken thereon, it was decided in the negative.

Mr. Crabb moved to strike out the 4th section under the head of militia, and to insert in lieu thereof the following: "Majors General shall be elected by the Brigadiers, and field officers of their respective divisions. Brigadiers General shall be elected by the field officers of their respective Brigades. All other field officers of the militia, shall be elected by those citizens in their respective districts qualified to vote for representatives, or subject to military duty; Captains, Subalterns & non-commissioned officers shall be elected by those citizens in their respective districts, who are qualified to vote for members of the General Assembly or subject to military duty."

And the question being taken on striking out the said section, it was decided in the negative.

Mr. Phillips moved to amend the 16th section of the 3d article which prescribes the mode of appointing the clerks of courts, by adding the following proviso, "provided however that

after the year _____ the General Assembly may prescribe a different mode of appointment, but shall not make such appointments.

And the question being taken thereon, it was decided in the affirmative.

Mr. Phillips then moved to fill the blank in said proviso, with the words one thousand eight hundred and twenty-six.

And the question being taken thereon, it was decided in the affirmative.

Mr. Hitchcock moved to amend the 16th section of the 4th article by striking out in the 2d line the words, "in the Governor and Senate or."

And the question being taken thereon, it was decided in the affirmative.

Mr. King moved to amend the 7th section of the Schedule by inserting in the fourth line after the word Assembly these words "Clerks of the several courts."

And the question being taken thereon, it was decided in the affirmative.

Mr. Crabb moved to amend the 8th section of the Schedule by striking out all the words after the word Representative in the 16th line; with a view of inserting the following: "the county of Madison shall be entitled to two Senators, and every other county to one Senator each."

And the question being taken on striking out, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Phillips, Rogers,

Sims, Terril, Thompson, Tindal, Toulmin, and Vaughan—21.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) Chambers, Clay, Davis, Hitchcock, Hopkins, Hughes, King, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Saffold, Taylor, Townes, Watkins, Wiggins, Wright, and Williams—21.

Mr. Toulmin moved to amend the 3d article of the Constitution by adding a new section at the end of it in the following words, "whenever an enumeration is made the ratio for a single representative shall be established. Any county which has double the number of such ratio, shall be entitled to two Representatives. The ratio for a third representative, shall be the original ratio with one third thereof added to it. The ratio for a fourth representative shall be the ratio of the third, with one third thereof added to it. The ratio for a fifth representative shall be the ratio for the fourth, with one third thereof added to it. The ratio for the sixth representative shall be the ratio for the fifth, with one third thereof added to it. The ratio shall advance in the same proportion for every additional representative."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Garrow, Hanby, M'Goffin, Metcalf, Pickens (of Washington) Rogers, Saffold, Sims, Terril, Thompson, Toulmin, Vaughan, and Watkins—19.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) Chambers, Clay, Davis, Ellis, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Minor, Moore, Phillips, Pickens (of Monroe) Taylor, Tindal, Townes, Wiggins, Wright and Williams—23.

Mr. Toulmin moved to amend the 9th section of the 3d article by adding the following proviso, "and provided also, that

no county shall be entitled to more than five representatives." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Garrow, Hanby, Jackson, M'Goffin, Metcalf, Phillips, Rogers, Saffold, Sims, Terril, Thompson, Toulmin, and Vaughan—20.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Ellis, Hitchcock, Hopkins, Hughes, King, M'Vay, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Taylor, Tindal, Townes, Watkins, Wiggins, Wright, and Williams—22.

Mr. Saffold moved to amend the 16th section of the 6th article by striking out all the section after the word contents in the 4th line. And the question being taken thereon, it was decided in the negative.

Mr. Williams moved to amend the 28th section in the 3d article, by striking out the words "at the town of Cahawba," (the place designated for the seat of Government) and inserting in lieu thereof, "at such place as may be prescribed by law." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Crabb, Hanby, M'Vay, Moore, Tindal and Williams—6.

Those who voted in the negative, are Mr. President, Messrs. Armstrong, Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Conner, Cook, Davis, Ellis, Garrow, Hitchcock, Hopkins, Jackson, King, M'Goffin, Minor, Phillips, Pickens (of Monroe) Pickens (of Washington) Rogers, Saffold, Sims, Taylor, Terril, Thompson, Toulmin, Townes, Vaughan, Watkins, Wiggins, and Wright—35.

Mr. Williams moved to amend the Constitution, by adding to the General provisions a new section in the following words, "all lands liable to taxation in this State, shall be taxed in proportion to value." And the question being taken thereon, it was decided in the affirmative.

Mr. Thompson moved to amend the 8th section of the Schedule, by striking out in the 11th line the word "one" and inserting "two" in lieu thereof with a view of giving Marengo county two Representatives instead of one. And the question being taken thereon, it was decided in the negative.

Mr. Bibb (of Limestone) moved to amend the 14th section of the 5th article by striking out from the word house in the 7th line to the word pass in the 10th line. And the question being taken thereon, it was decided in the negative.

Mr. Pickens (of Washington) moved to amend the Constitution by adding a new section to the General provisions in the following words.

"The General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement, in relation to navigable waters, and to the roads in this State; and for making a systematic and economical application of the means appropriated to these objects."

And the question being taken thereon it was decided in the affirmative.

Mr. Bibb of Montgomery moved to amend the 8th section of the Schedule by striking out the word "two" in the 23d line and inserting "one" in lieu thereof, with a view of taking from the county of Madison one senator. And the question being taken thereon, it was decided in the negative.

Mr. Cook moved to amend the 28th section of the 3d article prescribing the place where the next session of the Legislature shall be held by striking out the words, "at the town of Huntsville." And the question being taken thereon, it was decided in the negative.

Mr. Metcalf moved to amend the new section proposed by Mr. Williams by adding a proviso, in the following words:—"Provided that the General Assembly shall have no power to levy on white polls a tax for county or State purposes."

And the question being taken thereon, it was decided in the negative.

Mr. Williams moved to reconsider the amendment proposed by Mr. Crabb to the 8th section of Schedule (relative to the apportionment of Senatorial representation). And the question being taken thereon, it was decided in the affirmative.

Mr. Crabb then moved to strike out so much of the said section as relates to the senatorial representation and to insert in lieu thereof the following; "and each county shall be entitled to one senator who shall serve for one term."

And the question being taken on striking out said section, it was decided in the affirmative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. Armstrong, Bibb (of Montgomery) John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, Metcalf, Phillips, Rogers, Sims, Terril, Thompson, Tindal, Toulmin, Vaughan, Wiggins, Wright & Williams—24.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Chambers, Clay, Davis, Hitchcock, Hopkins, Hughes, King, Minor, Moore, Pickens (of Monroe) Pickens (of Washington) Taylor, Townes and Watkins—16.

Mr. Moore moved to amend the amendment so as to give Madison county two Senators. And the question being taken thereon, it was decided in the negative.

The question was then taken on inserting the words proposed by Mr. Crabb, and passed in the affirmative.

Mr. Moore moved to add the following new section to come in under the head of general provisions. "Any member of either house shall have liberty to dissent from and protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the Journals." And the question being taken thereon, it was decided in the affirmative.

Mr. Toulmin moved to add a new section to the Judicial department, in the following words, "whenever any Judge shall be unable to hold a circuit court by reason of sickness or other disability, the Governor shall have power to issue a temporary commission authorizing some other person to preside as Judge at the court or courts at which such Judge may be unable to attend." And the question being taken thereon, it was decided in the negative.

Mr. Moore moved to amend the 12th section of the 3d article, providing that Senators shall be elected for three years by striking out the word three and inserting "two." And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are Messrs. Armstrong, Crabb, Garrow, Hanby, Jackson, M'Goffin, M'Vay, Metcalf, Moore, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Terril, Thompson, Tindal, Vaughan, Wiggins and Williams—20.

Those who voted in the negative, are Mr. President, Messrs. Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Cook, Davis, Ellis, Hitchcock, Hopkins, Hughes, King, Minor, Rogers, Taylor, Toulmin, Townes, Watkins and Wright—22.

Mr. Moore moved to strike out the 17th section of the 4th article. And the question being taken thereon, it was decided in the negative.

Mr. Moore moved to strike out the word "native," in the 5th

section of the 4th article requiring the Governor to be a native citizen of the United States. And the question being taken thereon, it was decided in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative, are Messrs. M'Goffin, Moore and Rogers—3.

Those who voted in the negative, are Mr. President, Messrs. Armstrong, Bibb (of Limestone) Bibb (of Montgomery) John Brown, Isaac Brown, Chambers, Clay, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Hitchcock, Hopkins, Hughes, Jackson, King, M'Vay, Metcalf, Minor, Phillips, Pickens (of Monroe) Pickens (of Washington) Saffold, Sims, Taylor, Terril, Thompson, Tindal, Townes, Vaughan, Watkins, Wiggins, Wright and Williams—38.

Mr. Bibb, (of Limestone) moved to amend the 8th section of the Schedule, by striking out (in the 10th line) the word "three," and inserting the word "four," with a view of giving Limestone county four representatives. And the question being taken thereon, it was decided in the negative.

On motion ordered that the Constitution be now engrossed for a third reading.

On a motion of Mr. Clay Resolved, that a committee of three members be appointed to superintend the engrossing of the Constitution, whereupon Messrs. Clay, King and Hitchcock, were appointed.

On motion of Mr. Saffold "Resolved," that the Secretary be authorized to employ an additional clerk.

On motion of Mr. Taylor Resolved, that when this Convention adjourns, it will adjourn till 11 o'clock to-morrow morning.

On motion ordered that the Convention do now adjourn.

FRIDAY, July 30, 1819.

The Convention met pursuant to adjournment.

The Ordinance relative to the conditions contained in the 6th section of the act of Congress, for the admission of this Territory into the Union, was read a third time and passed.

On motion, ordered that the said ordinance be attached to and be made a part of the Constitution.

The memorial to Congress, praying that all that part of Florida which lies west of the Apalachicola river may be annexed to and form a part of the State of Alabama, provided that the late Treaty between Spain and the United States, relative to the cession of the Floridas be ratified, was read a second time. And on motion ordered that the said memorial be now taken as engrossed and read a third time by its title which was done accordingly. The question was then taken on its passage, and decided in the affirmative.

On motion of Mr. Pickens (of Washington) Resolved, that the said memorial be signed by the President and countersigned by the Secretary of this Convention, and transmitted to the Congress of the United States.

Mr. Bibb (of Montgomery) presented an ordinance establishing places of separate election which was received and read the first time, and on motion the said ordinance was read a second time by its title and ordered to be engrossed for a third reading.

On motion, Resolved, that when this Convention adjourns it will adjourn till 4 o'clock this evening.

On motion, ordered that the Convention do now adjourn.

4 o'clock P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Pickens (of Washington) the engrossed Constitution was read a third time, and the question being taken on its passage, it was unanimously adopted.

On motion of Mr. Pickens (of Washington) ordered that the Constitution be enrolled and that the same committee who superintended the engrossing do superintend the enrolling thereof.

On motion, ordered that the Convention do now adjourn.

SATURDAY, July 31, 1819.

The Convention met pursuant to adjournment.

On motion of Mr. King Resolved, that an additional member be appointed to supply the place of Mr. Clay (absent from indisposition) to superintend the enrolling of the Constitution; whereupon Mr. Taylor was appointed.

Mr. King then moved that the committee have permission to attend to the enrolling during the session of the Convention; which was granted.

On motion of Mr. Bibb (of Montgomery) the ordinance establishing separate places of election was read a third time and passed.

On motion of Mr. Bibb of Montgomery, Resolved, that the said ordinance be considered as enrolled; and that it be signed by the President and attested by the Secretary.

Mr. Pickens (of Washington) offered the following resolution: Resolved that the compensation due to the members and officers of this Convention, as well as all other contingent expenses of the Convention, be paid on the order of the President out of any money in the Treasury. And the question being taken thereon, it was decided in the affirmative.

Mr. Pickens (of Washington) offered the following resolution, *Resolved*, that a copy of the Constitution be prepared under

the direction of the President and transmitted to the Congress of the United States. And the question being taken thereon, it was decided in the affirmative.

Mr. Bibb (of Montgomery) offered the following resolution, *Resolved*, that forty-four copies of the Constitution be printed for the use of the members of this Convention, and that one thousand copies be distributed by the Secretary of State among the several counties according to the temporary apportionment of Representatives. And the question being taken thereon, it passed in the affirmative.

On motion, of Mr. Pickens (of Washington) *Resolved*, that when this Convention adjourns it will adjourn till 10 o'clock on Monday next.

On motion, ordered that the Convention do now adjourn.

MONDAY, August 2, 1819.

The Convention met pursuant to adjournment.

Mr. Clay from the committee appointed to superintend the enrolling of the Constitution, reported that the committee had according to order performed that duty, and had directed him to report that the Constitution was duly enrolled.

On motion of Mr. Hitchcock, *Resolved* that the President and members from the several counties, do now sign, and the Secretary attest the same.

Whereupon it was signed and attested as follows:

J. W. Walker *President of the Convention,*
and *Representative from Madison County.*

Madison County—Clement C. Clay, John Leigh Townes, Henry Chambers, Lemuel Mead, Henry Minor, Gabriel Moore, John M. Taylor,

Monroe County.—John Murphy, John Watkins, James Pickens, Thomas Wiggins.

Blount County—Isaac Brown, John Brown, Gabriel Hanby,

Limestone County—Thomas Bibb, Beverly Hughes, Nicholas Davis.

Shelby County—George Phillips, Thomas Ames Rogers,

Montgomery County—John Dandridge Bibb, James W. Armstrong.

Baldwin County—Harry Toulmin.

Mobile County—S. H. Garrow.

Washington County—Israel Pickens, Henry Hitchcock.

Tuscaloosa County—Marmaduke Williams, John L. Tindal,

Lawrence County—Arthur F. Hopkins, Daniel Wright,

Franklin County—William Metcalf, Richard Ellis,

Cotaco County—Thomas D. Crabb, Melkijah Vaughan.

Clarke County—Reuben Saffold, James Magoffin,

Cahawba County—Littlepage Sims.

Conecuh County—Samuel Cook,

Dallas County—William R. King.

Marengo County—Washington Thompson.

Marion County—John D. Terril.

Lauderdale County—Hugh M'Vay.

St. Clair County—David Conner.

Autauga County.—James Jackson.

Attest, John Campbell, *Secretary of the Convention*.

On motion of Mr. King Resolved, that the Secretary of the Convention be instructed to deposit the enrolled Constitution in the office of the Secretary of State.

Mr. Pickens (of Washington) offered the following resolution, *Resolved*, that the thanks of this Convention be presented

to John W. Walker, President thereof, for the dignity, ability and impartiality, with which he has discharged the arduous duties of the chair.

And the question being taken thereon, by the Secretary, it passed unanimously in the affirmative.

Mr. President then rose and delivered the following address :

“Gentlemen!—I receive with lively sensibility this fresh testimonial of your favor: while I have life, I shall never cease to cherish a grateful recollection of the uniform kindness and support of this enlightened Convention. It affords me sincere gratification to find that the manner in which I have been enabled to discharge the duties of the chair, has been satisfactory to you; and for the polite and flattering terms in which you have chosen to express your approbation, I tender you the return of warm and cordial thanks.

The subject on which we were called to deliberate was of the first importance. Our labors are now at an end. We have given to the State of Alabama a Constitution—not indeed perfect—not precisely such as any one member of this body or perhaps of any individual of this community, would, unassisted, have framed in his closet. Yet emphatically republican and such as gives us a clear and indisputable title, to admission into the great family of the Union. If it has some faults, it has at the same time, many excellencies; and for all its defects it carries within itself the grand corrective of amendment. The people can mould it as they please. It proclaims the great first principles of liberty: It guards the equal rights of all, and some new features of vital interest, seem to promise the happiest results. The offspring of mutual concession and compromise, it occupies that middle ground on which a majority was found to unite. In the main we have all approved and signed it. Let us hope that it will be also approved by the people of Alabama; and that under its auspicious influence, they and their posterity, may long be free, prosperous and happy.

Accept gentlemen for yourselves individually, my best wishes

for your health, happiness and long continued usefulness.”

On motion of Mr. Pickens (of Washington) ordered that the Convention do now adjourn *sine die*.

Whereupon it was adjourned by the President accordingly.

JOHN CAMPBELL,

Secretary of the Convention.

THE ORIGINAL DRAFT OF THE ALABAMA
CONSTITUTION OF 1819 AS REPORTED BY THE
COMITTEE OF FIFTEEN, CLEMENT COMER CLAY,
CHAIRMAN*

By

Malcolm C. McMillan

Auburn

ONE OF THE most important documents in early Alabama history is the report in Huntsville on July 13, 1819, of the Committee of Fifteen on a constitution for the new state of Alabama. Although printed for use of the convention,¹ no known copy of this printed report exists today.² In 1830, during the controversy over the biennial sessions amendment to the Alabama Constitution, new interest was aroused in Alabama's first constitutional convention. In July of that year, because of the insistence of an unnamed correspondent, the *Mobile Commercial Register* printed the entire report and thus saved it for posterity.³ Although the correspondence indicated that the document was rare and very important, the editor commented that he printed it "without professing to understand the particular value of it at this time."⁴ Since the report differs in many respects from the final Constitution of 1819 as adopted, it is a document of some significance and is printed herein with the major alterations made by the convention indicated in footnotes.⁵

*This article first appeared in the *Alabama Lawyer*, XX (1959), 5-34. It is reprinted in its entirety by permission of the *Alabama Lawyer*.

¹Huntsville *Alabama Republican*, July 22, 1819.

²It is not listed in Thomas W. Owen, *A Bibliography of Alabama* (1898) or Rhoda Coleman Ellison, *A Check List of Alabama Imprints, 1807-1870* (1946). Research in the Library of Congress and various university libraries has failed to reveal a copy.

³*Mobile Commercial Register*, July 6, 8, 10, 13, 1830.

⁴*Ibid.*, July 13, 1830.

⁵A detailed discussion of the Alabama Constitutional Convention of 1819 can be found in Malcolm C. McMillan, "The Alabama Constitution of 1819: A Study in Constitution Making on the Frontier," *The Alabama Review*, III, (October, 1950), 263-285; or *idem.*, *Constitutional Development in Alabama: A Study in Politics, the Negro, and Sectionalism* (1955). It is not my intention to repeat those details here, but rather to edit the report and make it available to those interested in Alabama history.

To write the original draft of a constitution for Alabama, the convention appointed the following Committee of Fifteen:⁶ Chairman Clement Comer Clay, John Taylor and Henry Chambers of Madison County, Israel Pickens and Henry Hitchcock of Washington, John Watkins and John Murphy of Monroe, Thomas Bibb and Beverly Hughes of Limestone, William R. King of Dallas, Arthur F. Hopkins of Lawrence, Reuben Saffold of Clarke, John D. Bibb of Montgomery, Richard Ellis of Franklin, and George Phillips of Shelby County. Clay, chairman of the committee, was already a lawyer-planter of some renown in Huntsville, with service in the Alabama territorial legislature. Two brothers of the territorial governor, William Wyatt Bibb, were members of the committee. Two other members, William R. King and Israel Pickens, had previously represented North Carolina in the lower house of Congress. In fact, the committee contained most of the talent and experience in the convention (eleven lawyers, three physicians, and one merchant, most of whom were also planters), and was heavily weighted in favor of the planter counties of the Tennessee, the lower Tombigbee, and Alabama River valleys. Seven counties with a slave population of 40 per cent or more had nine of the fifteen members, six with a slave population of 30 per cent and less than 40 per cent had five members, and nine with a slave population of less than 30 per cent had only one member. Eight counties with a slave population of less than 30 per cent were not represented on the committee. Madison County in the Tennessee Valley, with a slave population of 49.26 per cent, had three members; while North Alabama had eight and South Alabama seven members.⁷

Among the more significant features of the original draft were the requirements that a voter be a white man and a member of the militia (unless exempt by law from military service), that the Federal ratio should be the basis of apportionment in the state legislature, that annual elections and annual sessions of the legislature be provided, and that a governor with veto power and some appointive power be elected by the people every

⁶*Journal of the Convention of 1819*, (Huntsville, 1819), 6.

⁷McMillan, *Constitutional Development in Alabama*, 34.

two years. The people were given participation in the amending process, liberal clauses protected the person of slaves, and detailed provisions (reflecting the Panic of 1819) were included for the establishment and regulation of banks. Significantly, there were no property or tax paying qualifications for voting or holding office in the report.⁸

The report of the committee was debated by the convention in the committee of the whole. Although the report was a very democratic document (when contrasted with the constitutions of the older and even the new frontier states), it was destined to be further liberalized by the convention itself. On July 26, 1819, the St. Stephens *Halcyon* reported that the original draft "would undergo great alternations. Most of the professional men were on the committee; but there are many objections raised by plain men, who though they make no figure in the house, are men of good sound sense and republican principles." In the convention, these "plain men," mostly from the "white counties," abolished the militia qualification for suffrage, defeated the efforts of the planters to count three-fifths of the slaves as a basis for representation in the state legislature, made the amending process easier, reduced the minimum age for senator and representative, curtailed the power of the governor over legislation by allowing the legislature to pass a bill over his veto by a mere majority vote rather than a two-thirds vote, reduced residence requirements for voting and for election to the Senate, and made the clerks of court elective by the people. They failed, however, in their attempt to strike out life tenure for judges, and the judiciary emerged the most conservative article of the new constitution. The election of judges and many other officials by the people (soon to become an integral part of Jacksonian Democracy) was not even made an issue in the convention.⁹

The report of the Committee of Fifteen follows:

The Committee appointed to draft a Constitution for the State of Alabama, make the following Report:

We, the People of the Alabama Territory, having the right

⁸*Ibid.*, 34-43.

⁹*Ibid.*, 44-46.

of admission into the General Government as a member of the Union, consistent with the Constitution and laws of the United States: assembled in Convention at the town of Huntsville, on Monday, the fifth day of July, one thousand eight hundred and nineteen, in pursuance of an act of Congress approved 2d March, 1819, entitled "an act to enable the people of the Alabama Territory to form a Constitution and State Government, and for the admission of such state in the Union on an equal footing with the original states" in order to establish justice, ensure tranquility, provide for the common defence, promote the general welfare, and to secure to ourselves and our posterity the rights of life, liberty and property, do ordain and establish the following CONSTITUTION, or form of Government, and do mutually agree with each other to form ourselves into a **FREE AND INDEPENDENT STATE**, by the name of "**THE STATE OF ALABAMA.**" and we do hereby ratify, confirm, and establish the boundaries assigned to the State by the Act of Congress aforesaid, "to wit: Beginning at the point where the 31st. degree of north latitude intersects the Perdido River, thence east to the western boundary line of the State of Georgia: thence along said line to the southern boundary line of the State of Tennessee: thence west along said boundary line to the Tennessee River: thence up the same to the mouth of Bear Creek: thence by a direct line to the northwest corner of Washington county: thence due south to the Gulph of Mexico; thence eastwardly including all islands within six leagues of the shore of the Perdido River: thence up the same to the beginning: subject to such alteration as is provided in the third section of the said Act of Congress."¹⁰

Article 1 — Declaration of Rights

That the general, great and essential principles of liberty

¹⁰ Although several minor changes of phraseology were made by the convention in the preamble, the most important alteration is the addition at this point of the words: "and subject to such enlargement as may be made by law, in consequence of any cession of territory by the United States, or either of them." The cession of East Florida to the United States was pending and the convention wanted all of "East Florida west of the Appalachicola River" annexed to Alabama. The above clause was added and a committee to memorialize Congress on the subject was appointed. See Huntsville *Alabama Republican*, July 22, 1819, *Journal of the Convention*, 37.

and free government may be recognized and established, We Declare:

Sec. 1 That all freemen, when they form a social compact are equal in rights; and that no man or set of men are entitled to exclusive, separate public emoluments or privileges; but in consideration of public services.

Sec. 2 All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit: and therefore they have at all times an unalienable, and indefensible right, to alter, reform or abolish their form of government, in such manner as they may think expedient.

Sec. 3 No person in this state shall, upon pretence be deprived of the inestimable privilege of worshiping God in the manner most agreeable to his own conscience; nor be compelled to attend any place of worship, contrary to his own faith and judgment: nor shall anyone ever be obliged to pay any tythes, taxes, or other rate for the building or repairing any place of worship, or for the maintenance of any minister or ministry.

Sec. 4 No human authority ought, in any case whatever, to control or interfere with the rights of conscience.

Sec. 5 No person shall be hurt, molested, or restrained, in his religious profession, sentiments or persuasion, provided he does not disturb others in their religious worship or private repose and comfort.¹¹

Sec. 6 The civil rights, privileges, or capacities of any citizen shall in no wise be diminished or enlarged on account of his religious principles.

Sec. 7 There shall be no establishment of religion by law; no preference shall ever be given by law to any religious sect,

¹¹Several sections were deleted or added to the Declaration of Rights (compare original draft with *Constitution of the State of Alabama*, Huntsville, 1819) but from the historian's standpoint the attempt of Harry Toulmin, who had left England because of religious persecution, to strengthen sec. 5 was the most important issue. He was defeated in his attempt. See *Huntsville Alabama Republican*, July 22, 1819. One has to depend on the newspapers for the debates and changes made in the committee of the whole as no record of them is contained in the *Journal of the Convention*.

society, denomination or mode of worship: and no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 8 Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

Sec. 9 No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

Sec. 10 The people shall be secure in their persons, houses, papers and possessions from unreasonable seizures or searches, and no warrant to search any place, or to seize person or things, shall issue without describing them as nearly as maybe, nor without probable cause supported by oath or affirmation.

Sec. 11 In all criminal prosecutions the accused has the right to be heard by himself and counsel, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions, by indictment or information, a speedy public trial by an impartial jury of the county or district in which the offence shall have been committed; he shall not be compelled to give evidence against himself: nor shall he be deprived of his life, liberty or property but by due course of law.

Sec. 12 No person shall be accused, arrested or detained except in cases ascertained by law, and according to the forms which the same has prescribed and no person shall be punished but in virtue of a law, established and promulgated prior to the offence and legally applied.

Sec. 13 No person shall for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for oppression or misdemeanor in office.

Sec. 14 No person shall for the same offence be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use unless just compensation be made therefor.

Sec. 15 All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered, without sale, denial or delay.

Sec. 16 No power of suspending laws shall be exercised, except by the legislature or its authority.

Sec. 17 Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted.

Sec. 18 All persons shall, before conviction, be bailable by sufficient securities, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of "habeas corpus" shall not be suspended, unless when in case of rebellion, or invasion the public safety may require it.

Sec. 19 The person of a debtor, where there is not strong presumption of fraud, shall not be detained in prison after delivering up his estate for the benefit of his creditors, in such manner as shall be described by law.

Sec. 20 No ex post facto law, nor law impairing the obligation of contracts shall be made.

Sec. 21 No person shall be attainted of treason or felony by the legislature.

Sec. 22 The estates of suicides shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. 23 The citizens have a right, in a peaceable manner to assemble together for their common good, and to apply to those invested with powers of government for redress of grievances, or other proper purposes, by petition, redress or remonstrance.

Sec. 24 Every citizen has a right to bear arms in defence of himself and the state.

Sec. 25 No standing army shall be kept up without the consent of the legislature; and in that case no appropriation of money for its support shall be for a longer term than one year;

and the military shall in all cases, and at all times, be in strict subordination to the civil power.

Sec. 26 No soldier in time of peace, shall be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Sec. 27 No title of nobility or hereditary distinction, privilege, honor or emoulument, shall ever be granted or conferred in this state: Nor shall any office be created the appointment of which shall be for a longer term than during good behaviour.

Sec. 28 Emigration from this state shall not be prohibited nor shall any citizen be exiled.

Sec. 29 The right of trial by jury shall remain inviolate.

Sec. 30 This enumeration of certain rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of the high powers herein delegated, we declare, that everything in this article is excepted out of the general powers of government, and shall forever remain inviolate; and that all laws contrary thereto, or to the following provisions shall be void.

Article 2 — Distribution of Powers

Sec. 1 The powers of the government of the State of Alabama shall be divided into three distinct departments; and each of them confided to a separate body of magistracy to wit, those which are legislative, to one; those which are executive to another, and those which are judicial to another.

Sec. 2 No person, or collection of persons, being of one of these departments, shall exercise any power, properly belonging to either of the others, except in the instances hereinafter directed or permitted.

Article 3 — Legislative Department

Sec. 1 The legislative power of this state, shall be vested in two distinct branches; the one to be stiled the Senate, the

other the House of Representatives, and both together "the general assembly of the State of Alabama" and the style of their laws shall be, "Be it enacted by the Senate and the House of Representatives of the State of Alabama in general assembly convened."

Sec. 2 The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of one year, from the day of the commencement of the general election and no longer.

Sec. 3 The Representatives shall be chosen every year on the first Monday and the day following in August.¹²

Sec. 4 No person shall be a Representative unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this state two years next preceding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen and shall have attained the age of twenty three years.¹³

Sec. 5 Every white male person of the age of twenty one years or upwards, who shall be a citizen of the United States, and shall have resided in this state one year next preceding an election, and the last six months¹⁴ within the county, city or town in which he offers to vote, and shall be enrolled in the militia

¹²The convention added to this section: "until otherwise directed by law."

¹³On motion of Marmaduke Williams, the convention voted 29 to 13 to strike out "twenty-three years" and substitute "twenty one years." President John W. Walker, Henry Chambers, John M. Taylor, and Henry Minor of Madison; John Watkins of Monroe; John D. Bibb of Montgomery; Israel Pickens and Henry Hitchcock of Washington; Samuel H. Garrow and Harry Toulmin of Mobile; William R. King of Dallas; Hugh McVay of Lauderdale; and Littlepage Sims of Cahawba voted in the negative. *Journal of the Convention*, 21; *Huntsville Alabama Republican*, July 22, 1819. Williams was a candidate for governor against William Wyatt Bibb in the first campaign which followed the adoption of the constitution. In this campaign, his friends claimed that he had worked in the convention "to suppress a formidable coalition, and to prevent the seeds of aristocracy being sown in our constitution." *Ibid.*, September 18, 1819.

¹⁴The convention struck out "six months" and provided for "three months."

thereof except exempted by law from military service¹⁵ shall be deemed a qualified elector; no elector shall be entitled to vote except in the county, city or town; (entitled to separate representation) in which he may reside at the time of the election.

Sec. 6 Electors shall in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

Sec. 7 In all elections by the people, the electors shall vote by ballot until the general assembly shall otherwise direct.

Sec. 8 Elections for Representatives for the several counties shall be held at the place of holding their respective courts, or in the several election districts, into which the legislature may divide any county, provided, that when it shall appear to the legislature that any city or town has a number of inhabitants, entitled to representation equal to the ratio then fixed, such city or town shall have a separate representation, according to the number of inhabitants therein entitled to representation which shall be retained so long as such city or town, shall contain a number of inhabitants entitled to representation equal to the ratio which may from time to time be fixed by law; and thereafter, and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to such representation, is situated, shall not be held in such city or town, provided, that if the residuum or fraction of any city or town, entitled to separate representation, shall when added to the residuum of the county in which it may lie, be equal to the ratio fixed by law for one representative, then the aforesaid county, city or town, having the largest residuum, shall be entitled to such representation, and provided, also, that when there are two or more counties adjoining, which have residuums or fractions over and above the ratio

¹⁵The militia qualification for suffrage (found also in the Mississippi Constitution of 1817) was stricken out by the convention. As the decision was made in the committee of the whole no record exists of the vote in the *Journal* and the author has found no newspaper account. *Journal of the Convention*, 21; Huntsville *Alabama Republican*, July 22, 1819. Late in the convention, an attempt by Thomas Bibb and Israel Pickens, to leave to the legislature the power to give suffrage to the free Negro was defeated. *Journal of the Convention*, 27.

then fixed by laws if said residiums or fractions when added together will amount to such ratio, in that case, one representative shall be added to that county having the largest residium.

Sec. 9 The General Assembly shall at their first meeting and in the years 1824 and 1825 and every five years thereafter, cause an enumeration to be made of all the inhabitants of the state, and the whole number of the representatives shall at the first session held after making such enumeration be fixed by general assembly and appointed among the several counties, cities or towns, entitled to separate representation according to their respective numbers of white inhabitants, including three fifths of all other persons,¹⁶ Indians not taxed excepted, and the said apportionment when made shall not be subject to alteration until after the next census shall be taken. The House of Representatives shall not consist of less than forty four, nor more than sixty members until the number of inhabitants, entitled to representation, shall be one hundred thousand, and after that event, at such ratio that the whole number of representatives shall never be less than sixty nor more than one hundred members, provided however that each county shall be entitled to at least one representative.

Sec. 10 The whole number of Senators shall at the several periods of making the enumeration before mentioned, be fixed by the general assembly, and appointed among the several districts to be established by law, according to the whole num-

¹⁶The three-fifths clause (here and in Sec. 10) was stricken out and the white basis for representation provided for. This is one of the most important changes in the report. It favored the "white counties" and, surprisingly enough, John W. Walker of Madison County, with a heavy slave population, made the motion to reject the federal ratio. *Huntsville Alabama Republican*, July 22, 1819. Although no record of the debate or vote has been found by the author, it was probably a concession which the convention had to make to the "white counties." At this time, Georgia, from whence many members of the convention had migrated, used the federal ratio in apportioning representation in her legislature, but it had been rejected in the Mississippi convention in 1817. The "white basis" remained the basis of representation in the Alabama legislature until 1868, and as the state developed this basis favored North Alabama over South Alabama. McMillan, *Constitutional Development in Alabama*, 36, 136.

ber of white inhabitants,¹⁷ including three fifths of all other persons, Indians not taxed excepted, contained in each, and shall never be less than one fourth nor more than one third of the whole number of representatives.

Sec. 11 When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

Sec. 12 Senators shall be chosen by the qualified electors, for the term of three years,¹⁸ at the same time, in the same manner, and at the same places, where they may vote for members of the House of Representatives; and no person shall be a Senator unless he be a white man, a citizen of the United States, and shall have been an inhabitant of this State four years next preceding his election, and the last year thereof a resident of the district from which he shall be chosen, and shall have attained to the age of thirty years.¹⁹

Sec. 13 The House of Representatives, when assembled shall choose a speaker, and its other officers;²⁰ each house shall judge of the qualifications, elections and returns of its own members; but a contested election shall be determined in such manner as shall be directed by law.

¹⁷At this point, South Alabama's delegates made an unsuccessful but determined fight to secure "county representation" (not necessarily based on population) in the Senate. This produced "more animated debate than any question which had previously been brought before the committee, in which gentlemen of the first talents in the convention participated. Messrs. Hitchcock, Toulmin, King, and Pickens supported the amendment; which was opposed by Messrs. Clay, Hopkins, President Walker, Taylor and Townes." *Huntsville Alabama Republican*, July 22, 1819. The section was rewritten but its meaning not changed.

¹⁸An attempt was made in the committee of the whole "to lessen the time of service of Senator from three years to two, which was lost, by the vote of the chair." John Murphy of Monroe was in the chair. *Ibid.*

¹⁹Also, in the committee of the whole, the convention changed the "four years" in this section to "two years," and reduced the age for Senator from "thirty" to "twenty seven" years. *Ibid.* A new section, which became section 13 of the new constitution, providing that the Senators be classified into three groups by lot and their tenure staggered, was added by the convention at this point.

²⁰Here the convention added the words: "and the Senate shall, annually, choose a president, and its other officers." See *Constitution of 1819*, Art. III, section 14.

Sec. 14 A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties as each House may provide.

Sec. 15 Each House may determine the rules of its own proceedings, punish members for disorderly behaviour, and with the consent of two thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

Sec. 16 Each House during the session, may punish by imprisonment, any person not a member, for disrespectful or disorderly behaviour in the presence, or for obstructing any of its proceedings: provided that such imprisonment shall not at any time exceed forty eight hours.

Sec. 17 Each House shall keep a journal of its proceedings, and publish the same immediately after its adjournment, excepting such parts as, in its judgment may require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of any two members present, be entered on the journals.²¹

Sec. 18 Senators and Representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same, allowing one day for every twenty miles such member may reside, from the place at which the General Assembly is convened; nor shall any member, be liable to answer for any thing spoken in debate in either house in any court or place elsewhere.

Sec. 19 When vacancies happen in either House, the Governor, or the person exercising the powers of the Governor, shall issue writs of election to fill such vacancies.

²¹The convention added: "Any member of either house shall have liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals." *Ibid.*, sec. 18.

Sec. 20 The doors of each House shall be open except on such occasions as in the opinion of the house may require secrecy.

Sec. 21 Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Sec. 22 Bills may originate in either house, and be amended, altered or rejected by the other; but no bill shall have force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless in cases of urgency, four fifths of the House in which the bill shall be depending may deem it expedient to dispense with this rule; and every bill, having passed both Houses, shall be signed by the Speaker and President of their respective Houses; provided, that all bills for raising revenue, shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 23 Each member of the General Assembly shall receive from the public treasury, such compensation for his services as may be fixed by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

Sec. 24 No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state which shall have been created, or the emoluments of which shall have been increased during such term; except such offices as may be filled by elections by the people.

Sec. 25 No Judge of any court of law or equity, Secretary of State, Attorney General, Clerk of any court of record, Sheriff or Collector, or any person holding any lucrative office under the United States, (the office of post master excepted), this State, or any other power, shall be eligible to the General Assembly; provided that offices in the militia to which there is attached no annual salary, or the office of justice of peace, or that of the quorum or county court shall not be deemed lucrative.

Sec. 26 No person who hereafter may be a collector or holder of public monies, shall have a seat in either house of the General Assembly²² until he shall have accounted for and paid into the treasury, all sums for which he may be accountable.

Sec. 27 The first election for Senators and Representatives shall be general throughout the State; and shall be held on the third Monday and Tuesday in September next.

Sec. 28 The first session of the General Assembly shall commence on the fourth Monday in October next, and be held at the town of Huntsville, and thereafter at the town of Cahaba, provided however, that the General Assembly shall at the first session to be held in the year 1826, have power to fix the permanent seat of Government.²³

Article 4 — Executive Department

Sec. 1 The Supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the Governor of the State of Alabama.

²²The convention added: "or be eligible to any office of trust or profit under this State."

²³The controversy over the location of the capital was the cause of bitter feeling in the convention between North and South Alabama. The territorial legislature had created a commission, headed by territorial Governor William Wyatt Bibb, who almost without the aid of the other two commissioners had chosen Cahawba in South Alabama. This location was unsatisfactory to North Alabama, which wanted it at Tuscaloosa. The Committee of Fifteen reported in favor of Cahawba on a temporary basis, providing that the permanent seat of government would be fixed in the year 1826. In order to placate North Alabama, the first session of the legislature was to be held in Huntsville. This controversy, with Marmaduke Williams the main spokesman for North Alabama was continued on the floor of the convention. The year 1826 was changed to 1825 and the phrase added that the decision made at that time "shall not thereafter be changed." Because of the intense feeling against Governor Bibb, it was provided that the bill for the permanent location of the capital (at Cahawba or elsewhere) would not require the "executive concurrence." If the legislature made no provision in 1825, the capital was to remain at Cahawba. It was further provided on motion of C. C. Clay: "That the general assembly shall make no appropriations, previous to the year one thousand eight hundred and twenty-five, for the building of any other State-house than that now provided for by law." *Constitution of 1819*, Art. 3, Sec. 29; *Journal of the Convention*, 22, 33; *Huntsville Alabama Republican*, August 12, 1819; McMillan, *Constitutional Development in Alabama*, 37, 56.

Sec. 2 The Governor shall be elected by the qualified electors at the time and places, when they shall respectively vote for representatives.

Sec. 3 The returns of every election for Governor shall be sealed up and transmitted to the seat of Government, directed to the speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint vote of both houses. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 4 The Governor shall hold his office for the term of two years from the time of his installation and until his successor shall be duly qualified, but should not be eligible for more than four years for any term of six years; he shall be at least thirty years of age, shall be a native citizen of the United States, and shall have resided in this state at least four years next preceeding the day of his election.

Sec. 5 He shall at stated times receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

Sec. 6 He shall be commander in chief of the Army and Navy of this state, and of the militia thereof, except when they shall be called into the service of the U. States.²¹

Sec. 7 He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

Sec. 8 He may on extraordinary occasions convene the general assembly at the seat of government or at a different place, if that shall have become, since their last adjournment, dangerous from an enemy, or from contagious disorders, and

²¹The convention added: "And when acting in the service of the United States, the general assembly shall fix his rank." *Constitution of 1819*, Art. IV, sec. 6.

in case of disagreement between the two houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper not beyond the day of the next annual meeting of the general assembly.

Sec. 9 He shall, from time to time, give to the general assembly information of the state government and recommend to their consideration such measures as he may deem expedient.

Sec. 10 He shall take care that the laws be faithfully executed.

Sec. 11 In all criminal and penal cases, except in those of treason, and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In case of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the senate, respite the sentence until the end of the next session of the General Assembly.

Sec. 12 There shall be a seal of this state, which shall be kept by the Governor, and used by him officially, and the present seal of the Territory shall be the seal of the state until otherwise directed by the General Assembly.

Sec. 13 All commissions shall be in the name and by the authority of the State of Alabama, be sealed with the state seal and signed by the Governor, and attested by the Secretary of State.

Sec. 14 He shall nominate, and by and with the consent of the Senate appoint and commission all officers, the appointment of whom is not otherwise directed by this Constitution: and all offices which may be created by the General Assembly shall be filled in such manner as may be directed by law.²⁵

²⁵This whole section was stricken out by the convention—thus taking from the governor most of the appointive power left him by the original report, which in this respect favored the legislature over the executive. The whole trend in the convention was toward weakening the power of the governor as outlined in the original draft. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

Sec. 15 There shall be a Secretary of State²⁶ who shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall when required lay the same, and all papers, minutes and vouchers relative thereto before the General Assembly, and shall perform such other duties as may be required of him by law.

Sec. 16 Vacancies that may happen in offices, the appointment to which is invested in the Governor and Senate, or in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting commissions which shall expire at the end of the next session.

Sec. 17 Every bill which shall have passed both Houses of the General Assembly shall be presented to the Governor, if he approve, he shall sign it, but if not, he shall return it with his objections [to the house in which it shall have originated, who shall enter the objections]²⁷ at large upon the Journals, and proceed to reconsider it; if after such reconsideration two thirds²⁸ of that House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be reconsidered; if approved by two thirds of that House, it shall become a law; but in such cases the votes of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill, shall be entered on the

²⁶After having denied the governor the appointment of the Secretary of State, with the advice and consent of the Senate, the convention added at this point: "appointed by joint vote of both houses of the general assembly." *Constitution of 1819*, Art. IV, sec. 14.

²⁷The printer left out a line here and the material supplied in brackets is from the *Constitution of 1819*, which is presumably the same.

²⁸On motion of C. C. Clay, the convention replaced the two-thirds majority necessary to override the governor's veto with "a majority of the whole number" elected to each house. Marmaduke Williams and John Murphy led an unsuccessful movement in the convention to deny the governor any veto power. They were opposed in debate by Hopkins, Clay, Hughes and Walker. An amendment by Harry Toulmin providing that "only those bills which shall not have passed by a majority of the whole number of both houses be submitted to the governor" was lost by the vote of the chair. Israel Pickens spoke in favor of Toulmin's amendment and Taylor, Hitchcock, Clay, Saffold, Hughes, and Walker spoke against. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

Journals of each House respectively: If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return, in which case it shall not be a law.

Sec. 18 Every order, resolution, or vote to which the concurrence of both Houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

Sec. 19 In case of the impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the state, the President of the Senate shall exercise all the power and authority appertaining to the office of Governor until the time pointed out by this constitution for the election of Governor shall arrive, unless the General Assembly shall provide by law for the election of a Governor to fill such vacancy, or until the Governor absent or impeached shall return or be acquitted.

Sec. 20 If during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die or be absent from the state, the speaker of the House of Representatives, shall in like manner administer the Government.

Sec. 21 The President of the Senate or Speaker of the House of Representatives during the time they respectively administer the Government, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

Sec. 22 A sheriff shall be elected in each county by the qualified electors thereof, who shall hold his office for three years, unless sooner removed and who shall not be eligible to

serve either as principal or deputy for the three succeeding years.²⁰

Sec. 23 The Governor shall always reside, during the session of the General Assembly, at the place where their session may be held, and at all times, whenever in his opinion, the public good may require.

Sec. 24 No person shall hold the office of Governor, and any other office or commission, civil or military, either in this state or under any state, or the U. S., or any power, at one and the same time.

Sec. 25 A State Treasurer and a Comptroller of public accounts shall be annually appointed by the General Assembly.

Militia

Sec. 1 The General Assembly shall provide by law for organizing and discipling the militia of this State in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

Sec. 2 Those persons who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 3 The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

Sec. 4 The Governor shall appoint his own Aids-de-camp; he shall nominate and by and with the advice and consent of the Senate appoint Majors General, Brigadiers General, Adjutants General, and Quarter-Masters General, and all other officers of the militia shall be elected or appointed in such manner

²⁰Speeches in opposition to popular election of the sheriff were made in the committee of the whole by Chambers, Hopkins, Taylor, and King. Clay, Hughes, Hitchcock, McVay, Walker, and Toulmin favored the plan and the report of the committee remained unchanged. Determined opposition to the provision against the sheriff succeeding himself was also defeated. In this case, Clay, Pickens, and Hopkins supported the report and Taylor and Williams opposed it. *Ibid.*; McMillan, *Constitutional Development in Alabama*, 39.

as the General Assembly shall from time to time direct, and all militia officers shall be commissioned by the Governor.³⁰

Sec. 5 Majors General shall appoint their Aids-de-camp, and all other division staff officers; Brigadiers General shall appoint their Aids and all other brigade staff officers; and Colonels shall appoint their regimental staff officers.

Sec. 6 The General Assembly shall by law fix the method of dividing the militia into divisions, regiments, battallions, and companies, and shall fix the rank of all staff officers.

Article 5 — Judicial Department

Sec. 1 The Judicial power of this state shall be vested in a Supreme Court; circuit courts to be held in each county in the State and such inferior courts of law and equity³¹ as the legislature may from time to time direct, ordain and establish.

Sec. 2 The Supreme Court, except in cases otherwise directed by this Constitution shall have appellate jurisdiction only which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law.³²

Sec. 3 The Supreme Court shall consist of not less than three Judges, nor more than five; the majority of whom shall form a quorum and one of whom shall be styled and commissioned Chief Justice; provided that no judge of the Supreme Court shall be appointed before the commencement of the first

³⁰The governor's appointive power was further reduced by striking out this section in favor of: "All officers of the militia shall be elected or appointed in such manner as may be prescribed by law: Provided, That the general assembly shall not make any such elections or appointments, other than those of adjutants-general and quartermasters-general." *Constitution of 1819*, Art. IV, sec. 4; *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

³¹The convention added at this point: "to consist of not more than five members." *Constitution of 1819*, Art. V, sec. 1. Many sections of the report on the judiciary were rearranged and changed in style but not as to intent.

³²The convention added: "Provided, That the supreme court shall have power to issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions," on motion of President John W. Walker. *Ibid.*, Art. V, sec. 2.; *Mobile Gazette and Commercial Advertiser* August 25, 1819.

session of the General Assembly, which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twenty-five.

Sec. 4 The Supreme Court shall be holden at the seat of government, but may adjourn to a different place if that place shall have become dangerous from an enemy or from contagious disorders.

Sec. 5 For Circuit Courts the State shall be divided into convenient districts, and each district shall contain not less than three nor more than six counties: and for each district there shall be appointed a Judge or Judges who shall, after his or their appointment, reside in the district for which he or they are appointed.

Sec. 6 The Circuit Court shall have original jurisdiction in all matter civil and criminal within this State not otherwise excepted in this Constitution; but in civil cases, only when the matter or sum in controversy exceeds fifty dollars.

Sec. 7 A Circuit Court shall be held in each county in the State at least twice in every year; and the judges of the several circuit courts may hold courts for each other where they may deem it expedient and shall do so when directed by law.

Sec. 8 Until the Judges of the Supreme Court are appointed, the powers of that court shall be vested in, and its duties performed by the Judges of the several circuit courts, within this state; and they or a majority of them shall hold such sessions of the Supreme Court and at such times as may be directed by law.

Sec. 9 The Legislature shall previous to the commencement of the first session of the General Assembly, which shall be begun and holden after the first day of January eighteen hundred and thirty,³³ establish a court or courts of chancery with exclusive original equity jurisdiction; and until the establishment of such court or courts, the said jurisdiction shall be vested in the circuit courts respectively. Provided that the Judges of

³³On motion of Thomas Bibb in the committee of the whole, the convention struck out the year 1830 and left the legislature free to establish such a court at any time. *Ibid.*

the several circuit courts shall have power to issue writs of injunction, returnable into the Courts of Chancery and such other equity jurisdiction as may from time to time be prescribed by law.

Sec. 10 The Legislature shall have power to establish in each county within this state, an inferior court to consist of not more than five members with such jurisdiction as they may by law direct; a court of probate for the granting of letters testamentary and of administration for orphans business, for county police, and for the trial of slaves.

Sec. 11 A competent number of Justices of the Peace shall be appointed in and for each county, in such term of office as the Legislature may direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases tried by a Justice of the Peace, right of appeal shall be secured under such rules and regulations as may be prescribed by law.

Sec. 12 Judges of the Supreme and Circuit Courts and Courts of Chancery shall, at stated times, receive for their services a compensation which shall be fixed by law, and shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States, or any other power.

Sec. 13 Chancellors, Judges of the Supreme Court, and Judges of the Circuit Courts shall be elected by joint vote of both houses of the General Assembly; and Judges of the inferior courts shall be nominated by the Governor, and appointed by and with the advice and consent of the Senate.³⁴

Sec. 14 The Judges of the several Courts in this State, shall hold their offices during good behavior;³⁵ and for wilful neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove

³⁴Likewise, on motion of Thomas Bibb, the last part of this section was deleted and judges of the inferior courts made elective by the general assembly. *Ibid.*

³⁵An amendment from the floor to limit the tenure of judges to six years was defeated by a vote of 25 to 18. *Journal of the Convention.* 29.

any of them on the address of two thirds of each House of the General Assembly; provided, however, that the cause or causes for which such removal shall be stated at length in such address and on the journals of each House; and provided further that the cause or causes shall be notified to the judge so intended to be removed, and he shall be admitted to a hearing in his own defence;³⁶ before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays, and entered on the journals of each House respectively; and provided also, that the judges of the several Circuit Courts who shall be appointed before the commencement of the first session of the General Assembly, which shall be begun and held after the first day of January in the year of our Lord one thousand eight hundred and twenty-five, shall only hold their offices during good behaviour until the end of the said session at which time their commissions shall expire.

Sec. 15 No person who shall have arrived at the age of seventy years shall be appointed to or continue in the office of judge of this State.

Sec. 16 Each court shall appoint its own clerk, who shall hold his office during good behaviour, but shall be removable therefrom for neglect of duty or misdemeanor in office by the Supreme Court, which court shall determine both the law and the fact.³⁷

Sec. 17 The Judges of the Supreme Court shall by virtue

³⁶Thomas Bibb also tried to strike out that part of sec. 14, which provided for giving a judge (intended to be removed by address of the general assembly), notice of the cause or causes of such address—and for admitting him at the bar of each house in his defense. The motion, which failed to pass, was supported in debate by Bibb, Murphy, Phillips, and Hitchcock and opposed by Toulmin, Townes, Saffold and Walker. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

³⁷After extended debate, this section was completely rewritten to provide for the election of clerks for a four year term by the "qualified electors in each county" and for their removal by law as the legislature might prescribe. *Ibid.*, *Journal of the Convention*, 23-26. After election by the people was decided on, Clay tried to secure a provision requiring the elected clerk to secure a certificate from a judge of the Circuit or Supreme Court for qualification, but the motion was defeated by a vote of 25 to 17. Finally, it was provided that after 1826, the legislature "may prescribe a different mode of appointment, but shall not make such appointment." *Journal of the Convention*, 25, 30.

of their offices be conservators of the peace throughout the state as also the Judges of the Circuit Courts in their respective districts, and Judges of the inferior courts in their respective counties.

Sec. 18 The style of all processes shall be "the State of Alabama" and all prosecutions shall be carried on in the name, and by the authority of the State of Alabama, and shall conclude against the peace and dignity of the same.

Sec. 19 There shall be an Attorney General for the State, and as many district attorneys as the General Assembly may deem necessary, to be elected by a joint vote thereof, who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

Impeachments

Sec. 1 The House of Representatives shall have the sole power of impeaching.

Sec. 2 All impeachments shall be tried by the Senate; when setting for that purpose the Senators shall be on oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

Sec. 3 The Governor and all civil officers, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than removal from office and to disqualification to hold any office of honor, trust, or profit, under the State; but the party convicted shall nevertheless be liable and subject to indictment, trial and punishment according to law.

Article 6 — General Provisions

Sec. 1 The members of the General Assembly and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit: "I solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and Constitution of the State of Alabama, so long as I

continue a citizen thereof and that I will faithfully discharge to the best of my abilities the duties of _____ according to law, so help me God.”

Sec. 2 Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

Sec. 3 The General Assembly shall have power to pass such penal laws, to suppress the evil practice of duelling extending to disqualification from office or the tenure thereof as they may deem expedient.

Sec. 4 Every person shall be disqualified from holding an office or place of honor or profit under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election or appointment.

Sec. 5 Laws shall be made to exclude from office, from suffrage, and from serving as Jurors, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors,—the privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper conduct.

Sec. 6 In all elections by the General Assembly, the members thereof, shall vote *viva voce*, and the votes shall be entered on the Journals.

Sec. 7 No money shall be drawn from the Treasury but in consequence of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public monies shall be published annually.³⁸

Sec. 8 The General Assembly shall direct by law, in what

³⁸On motion of Marmaduke Williams, the convention added a new section at this point: “All lands liable to taxation in this State, shall be taxed in proportion to their value.” *Constitution of 1819*, Art. VI, sec. 8. A later amendment to the section providing that the legislature could never levy a poll tax on white people was defeated. *Journal of the Convention*, 34.

manner and in what courts, suits may be brought against the State.

Sec. 9 All officers of the State, the term of whose appointment is not otherwise directed by this Constitution, shall hold their offices, during good behaviour.³⁹

Sec. 10 It shall be the duty of the General Assembly to regulate by law, the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacities, and the amount of such deduction.

Sec. 11 Absence on business of this State or of the United States, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

Sec. 12 No Member of Congress, nor any person holding any office of profit or trust under the United States, or either of them, or any foreign power, (the office of Post Master excepted) shall hold or exercise any office of trust or profit under this State.

Sec. 13 Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in Chancery; and no decree for such divorce shall have effect until the same shall be sanctioned by two thirds of both Houses of the General Assembly.⁴⁰

Sec. 14 In prosecutions for the publishing of papers, investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information the truth thereof may be given in evidence, and in all indictments for libels the jury shall have a right to determine the law and the facts under the direction of the courts as in other cases.

Sec. 15 Returns of all the elections by the people shall be made to the Secretary of State.

³⁹This section was deleted. *Ibid.*, 26.

⁴⁰Harry Toulmin, supported by Clay and Taylor and opposed by King, Pickens, and Walker, attempted to change the original draft so as to dispense with the two-thirds vote of the legislature for divorce, but the amendment was defeated. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

Sec. 16 No new county shall be established by the General Assembly which shall reduce the county or counties or either from which it shall be taken to less content than nine hundred square miles; nor shall any county be laid off of less contents; every new county, as to the right of suffrage and representation shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of separate representation according to the existing ratio.

Sec. 17 The General Assembly shall at their first session which may be holden in the year 1826, arrange and designate boundaries for the several counties within the limits of this State,⁴¹ to which the Indian title shall have been extinguished, in such manner as they may deem expedient; which boundaries shall not be afterwards altered unless by the agreement of two thirds of both branches of the General Assembly, and in all cases of ceded Territory acquired by the State, the General Assembly may make such arrangements, and designations of the boundaries of counties within such ceded Territory as they may deem expedient, which shall only be altered in like manner; provided that no county hereafter to be formed shall be of less extent than nine hundred square miles.

Sec. 18 It shall be the duty of the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

Sec. 19 All civil officers for the State, at large shall reside within the State, and all district or county officers, within their respective districts or counties, and shall keep their respective offices at such places therein as may be required by law.

Sec. 20 The manner of administering on oath or affirmation shall be such as is most consistent with the conscience of the deponent as shall be esteemed by the General Assembly the most solemn appeal to God.

⁴¹William R. King moved an alteration as to time in this section requiring the General Assembly to arrange and designate the boundaries of the several counties in the state. The year 1828, or the following session was fixed upon, and to correspond with this, Art. III, sec. 9 was changed so that an additional census was to be taken in 1826. *Ibid.*

Sec. 21 The General Assembly shall direct by law, how persons who now are or may hereafter become securities for public officers may be relieved or discharged on account of such securityship.⁴²

Sec. 22 It shall be the duty of the General Assembly as soon as circumstances will permit to form a penal code, founded on principles of reformation and not of vindictive justice.

Sec. 23 Within five years after the adoption of this Constitution the body of our laws, civil and criminal, shall be revised, digested, and arranged under proper heads, and promulgated in such manner as the General Assembly may direct; and a like revision, digest, and promulgation shall be made within every subsequent period of ten years.⁴³

Sec. 24 Schools and the means of education shall forever be encouraged in this State; and the General Assembly shall take measures to preserve from unnecessary waste or damage such lands as are, or hereafter may be, granted by the United States for the use of schools within each township in this State, and apply the funds which may be raised from such lands in strict conformity to the object of such grant; the General Assembly shall take like measures for the improvement of such lands as have been or hereafter may be, granted by the United States to this State for the support of a Seminary of learning, and the monies which may be raised from such lands, by rent, lease, or sale, or from any other quarter, for the purpose aforesaid, shall be and remain a fund for the exclusive support of a state University, for the promotion of the arts, literature, and the sciences: and it shall be the duty of the General Assembly as early as may be, to provide effectual measures for the improvement and permanent security of the funds and endowments of such institutions provided that no lands granted for the support

⁴²Sections 19, 20, and 21 were stricken out by the convention in the committee of the whole. *Journal of the Convention*, 26.

⁴³Two whole new sections were added by the convention following this section. One encouraged the state to engage in internal improvements and the other granted all the rights and privileges of the people of Alabama (with part of East Florida in mind) to the people of any territory annexed to the state of Alabama. *Constitution of 1819*, Art. VI, sections 21 and 22; *Journal of the Convention*, 27, 34.

of such Seminary of learning shall be sold by authority of this State prior to the year eighteen hundred and twenty five.⁴⁴

Slaves

Sec. 1 The General Assembly shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so mancipated.—They shall have no power to prevent emigrants to this state from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: Provided, that such person or slave be the bonafide property of such emigrants, and provided also, that laws may be passed to prohibit the introduction into the State of slaves who have committed high crimes in other States or Territories. They shall have power to pass laws to permit the owners of slaves to emancipate them; saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to prevent slaves from being brought into this State as merchandize, and also to oblige the owners of slaves to treat them with humanity, to provide for them necessary food and clothing, to abstain from all injuries to them extending to life or limb, and in case of neglect or refusal to comply with the directions of such laws, to have such slave or slaves sold for the benefit of the owner or owners.

Sec. 2 In the prosecution of slaves for crimes, no inquest by a grand jury shall be necessary, but the proceedings in such cases shall be regulated by law; except that the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

Sec. 3 Any person who shall maliciously dismember or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed on a free

⁴⁴The convention struck out this limitation on the legislature—thus allowing the state to sell lands given for a university at any time. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

white person, and on the like proof; except in case of insurrection by such slave or unless such death should happen by accident, in giving such slave moderate correction.⁴⁵

Mode of Amending and Revising the Constitution

Sec. 1 The General Assembly whenever two thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in print at least three months before the next general election of representatives for the consideration of the people, and it shall be the duty of the several returning officers at the next general election which shall be held for representatives, to open a poll for and make return to the Secretary for the time being of the names of all those entitled to vote for representatives who have voted in favor of such proposed amendments, and if thereupon, it shall appear that a majority of all the citizens of this State entitled to vote for representatives have voted in favour of such proposed amendments; and three fourths⁴⁶ of each House of the next General Assembly, shall after such an election, and before another, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes, as parts of this Constitution: Provided that the said proposed amendments shall at each of the said sessions have been read three several days in each House.

Establishment of Banks

Sec. 1 No bank or branch thereof shall be established nor bank charter renewed, under the authority of this State without the concurrence of two thirds of both Houses of the General Assembly. Not more than one bank shall be established, nor bank charter renewed, at any one session of the General Assem-

⁴⁵The convention deleted the words: "or unless such death should happen by accident, in giving such slave moderate correction." McMillan, *Constitutional Development in Alabama*, 42-43.

⁴⁶On motion of Thomas Bibb the majority of three-fourths required in this last stage of the amending process was stricken out and a two-thirds majority substituted. *Mobile Gazette and Commercial Advertiser*, August 25, 1819.

bly; or shall any bank or branch bank be established, or bank charter renewed but in conformity with the following rules:⁴⁷

1. At least two fifths of the capital stock shall be reserved to the State.
2. A proportion of power in the direction of the bank shall be reserved to the State, equal at least to its proportion of stock therein.
3. The State and the individual stockholders shall be liable respective for the debts of the bank in proportion to their stock holden therein.
4. The remedy for collecting debts shall be reciprocated for and against the bank.
5. No bank shall commence operation until the actual amount subscribed for be actually paid in gold or silver, which amount shall in no case be less than one hundred thousand dollars.⁴⁸
6. In case any bank shall on demand refuse to pay its notes in specie, it shall be subject to such examination and control as the Legislature may, at their next session after such refusal, provide, and the charter thereof may be declared forfeited.⁴⁹
7. After the establishment of a general State Bank the banks of this State now existing may be admitted as branches thereof, upon such terms as the Legislature and the said banks may agree, subject nevertheless to the preceding rules; and the Legislature shall always have power to annex any other bank as a branch of the State Bank.

⁴⁷Meeting in the midst of the Panic of 1819, there was prolonged debate in the convention over the banking sections of the report and changes were made. William R. King succeeded in getting a provision for one state bank only, with branches, subject to the same limitations as contained in the first section of the original draft. *Ibid.*

⁴⁸King also succeeded in providing that the bank could go into operation when one half the capital was subscribed, provided the capital was in no case less than \$100,000. *Ibid.*

⁴⁹The convention added that during the period of suspension the bank must pay an interest rate of 12 per cent unless absolved by the legislature. *Ibid.*

Schedule

Sec. 1 That no inconvenience may arise from a change of Territorial to a permanent State Government, it is Declared that all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no such change had taken place.

Sec. 2 All fines, penalties, forfeitures and escheats accruing to the Alabama Territory shall accrue to the use of the State.

Sec. 3 The validity of all bonds and recognizances executed to the Governor of the Alabama Territory shall not be impaired by the change of Government, but may be used for and recovered in the name of the Governor of the State of Alabama and his successors in office; and all criminal or penal actions arising or now depending within the limits of this State, shall be prosecuted to judgment and execution in the name of said State, all causes of action arising to individuals and all suits at law or in equity now depending in the several Courts within the limits of this State and not already barred by law, may be commenced in or transferred to such Court as may have jurisdiction thereof.

Sec. 4 All officers, civil or military, now holding commissions under the authority of the United States or of the Alabama Territory within this State shall continue to hold and exercise their respective offices under the authority of this State, until they shall be superceded under the authority of this Constitution, and shall receive from the Treasury of this State the same compensation which they heretofore received in proportion to the time they shall be so employed. The Governor shall have power to fill vacancies by commissions to expire as soon as elections or appointments can be made to such office by authority of the Constitution.

Sec. 5 All laws and parts of laws now in force in the Alabama Territory which are not repugnant to the provisions of this Constitution, shall continue and remain in force as the laws of this State, until they expire by their own limitation, or shall be altered, or repealed by the Legislature thereof.

Sec. 6 Every white male person above the age of twenty one years, who shall be a citizen of the U. States and resident in this State at the time of the adoption of this Constitution, shall be deemed a qualified elector at the first election to be held in this State. And every white male person who shall reside within the limits of this State at the time of the adoption of this Constitution, and shall be otherwise qualified shall be entitled to hold any office or place of honor, trust, or profit under this State: and provided also that members of the first General Assembly be eligible to any office of honor, trust or profit in this State, although such office may be created or the emoluments thereof fixed or increased by the said General Assembly: anything in the Constitution to the contrary notwithstanding.

Sec. 7 The President of the Convention shall issue writs of election directed to the Sheriffs of the several counties requiring them to cause an election to be held for a Governor, Representatives to the Congress of the United States, Members of the General Assembly, and Sheriffs of the respective counties at the respective places of elections in said Counties, on the third Monday and the day following in September next, which elections shall be conducted in the manner prescribed by the existing election laws of the Alabama Territory; and the said Governor and Members of the General Assembly then duly elected shall continue to discharge the duties of their respective offices for the time prescribed by this Constitution, and until their successors be duly qualified.

Sec. 8 Until the first enumeration shall be made as directed by this Constitution, the county of Autauga shall be entitled to one Representative, the county of Baldwin shall be entitled to one Representative, the county of Blount to three Representatives, the county of Cahawba to one Representative, the county of Clark to two Representatives, the county of Conecuh to two Representatives, the county of Cotaco to two Representatives, the county of Dallas to two Representatives, the county of Franklin to two Representatives, the county of Lauderdale to one Representative, the county of Lawrence to two Representatives, the county of Limestone to three Representatives, the county of Madison to eight Representatives, the county of Marengo to one Representative, the County of Marion to one Represent-

ative, the county of Monroe to five Representatives, the county of Montgomery to two Representatives, [the county of Mobile to one representative,]⁵⁰ the county of St. Clair to one Representative, the county of Shelby to two Representatives, the county of Tuscaloosa to two Representatives, and the county of Washington to two Representatives.⁵¹ The counties of Autauga and Montgomery shall be entitled to one Senator, the counties of Baldwin and Mobile to one Senator, the counties of Blount and St. Clair to one Senator, the counties of Cahawba and Shelby to one Senator, the counties of Dallas and Marengo to one Senator, the County of Clark to one Senator, the county of Washington to one Senator, the counties of Cotaco and Lawrence to one Senator, the county of Limestone to one Senator, the county of Madison to two Senators, the counties of Marion and Tuscaloosa to one Senator, the county of Monroe to one Senator, the counties of Lauderdale and Franklin to one Senator, and the county of Conecuh to one Senator.

Sec. 9 The Sheriff of Autauga shall within ten days after the election make return of the number of votes for Senator in his county to the Sheriff of Montgomery County who shall be the returning officer for the district. The sheriff of Baldwin shall within ten days after the election make return of the number of votes for Senator in his county, to the Sheriff of Mobile county, who shall be the returning officer for the district. The Sheriff of Marengo county shall within ten days after the election, make return of the number of votes for Senator in his county, to the Sheriff of Dallas county, who shall be the returning officer for the district. The Sheriff of Lawrence county

⁵⁰The material in brackets was left out by the printer and is taken from the *Constitution of 1819*, which is presumably the same.

⁵¹The convention proceeded through the Schedule and added one member to the House of Representatives for each of the counties of Autauga, Lauderdale, and Montgomery. They then struck out all the material in sections 8 and 9 in regard to the Senate and provided instead that until the regular senatorial apportionment (based on districts of "as nearly equal in white inhabitants, as may be") following a census in 1820, every county "shall be entitled to one senator." This decision (by a vote of 24 to 16) was a last minute concession to the counties with a small population, mostly in South Alabama. Harry Toulmin and others repeatedly raised the issue in the last days of the convention. *Journal of the Convention*, 32-33, 35; *Huntsville Alabama Republican*, August 12, 1819.

shall within ten days after the election, make return of the number of votes for Senator in his county, to the Sheriff of Cotaco county, who shall be the returning officer for the district. The Sheriff of Lauderdale county shall within ten days after the election, make return of the number of votes for Senator in his county, to the Sheriff of Franklin county, who shall be the returning officer of the district. The Sheriff of the county of Marion shall within ten days after the election, make a return of the number of votes for Senator in his county, to the Sheriff of Tuskaloosa county, who shall be the returning officer for the district. The Sheriff of St. Clair county shall within ten days after the election, make returns of the number of votes in his county, to the Sheriff of Blount county, who shall be the returning officer for the district. The Sheriff of Cahawba county shall within ten days after the election make a return of the number of votes for Senator in his county, to the Sheriff of Shelby county, who shall be the returning officer for the district.

Sec. 10. The oaths of office herein directed to be taken may be administered by any Justice of the Peace, until the General Assembly shall otherwise direct.

JOURNAL OF THE CONSTITUTIONAL CONVENTION,
1819, AS REPORTED IN THE *ALABAMA REPUBLICAN*

CONVENTION¹

☞ On Monday last the convention, for framing a constitution for the state of Alabama, met in this town, when the following members from their respective counties appeared and took their seats.

From the county of

Madison—Clement C. Clay, John L. Townes, Henry Chambers, Lemuel Mead, John W. Walker, Gabriel Moore, Henry Minor, and John M. Taylor.

Monroe—Jno. Watkins, Jno. Murphey, and James Pickens.

Blount—Jno. Brown, Isaac Brown and Gabriel Hanbey.

Limestone—Thomas Bibb, Nicholas P. Davis, and Beverly Hughes.

Shelby—George Phillips, and Thomas A. Rogers.

Montgomery—J. D. Bibb Esq. and Mr. Armstrong.

Washington—Israel Pickens and Henry D. Hitchcock.

Tuskaloosa—Marmaduke Williams and John L. Tindal.

Lawrence—Arthur F. Hopkins, and Daniel Wright.

Franklin—Richard Ellis and — Metcalf.

Cotaco—Thomas D. Crabb, and Malkijah Vaughan.

Clarke—R. Saffold and Jas. M'Goffin.

Cahaba—Littlepage Simms.

Conecuh—Samuel Cook.

Dallas—Col. William King.

Marengo—Mr. Thompson.

Marion—Mr. Tirrell.

Lauderdale—Hugh M'Vay.

St. Clair—Divid Conner.

Autauga—Mr. Jackson.

From the counties of Baldwin and Mobile no member appeared.

¹Huntsville *Alabama Republican*, July 8, 1819.

COL. PICKENS, from Washington county was called to the chair, and the convention proceeded to the choice of a President, when upon canvassing the ballots, it appeared that the HON. JOHN W. WALKER, one of the Judges of the Superior court, and a member from Madison county, was *unanimously* elected.—Upon being conducted to the chair, Judge Walker, returned his acknowledgements to the members, in the following short address, which was delivered in a feeling and dignified manner, eminently calculated to inspire the members and the audience, with a due sense of the solemnity and importance, of the occasion.

“Gentlemen—I pray you to accept my most grateful acknowledgments for the distinguished honor you have just conferred upon me, by thus calling me to preside over the deliberations of a body so respectable and so intelligent, chosen by the people of Alabama, and convened for the purpose of framing a constitution for our new, and beautiful, and interesting country. I enter on the discharge of the duties of the chair with unfeigned diffidence and self distrust: and I wish that in my inability and inexperience, you may not find ample cause to repent your choice. I will, however, endeavor to deserve a continuance of your favor by an honest and anxious effort to execute the trust reposed in me, with fidelity, with diligence, and with impartiality. To your kindness and forbearance I look for support in the difficult and arduous station in which you have placed me. This hope imparts to me sufficient confidence not to refuse this manifestation of your good will, and enables me to loose sight, in some degree of my own infirmities, in the liberality, the candor, and the enlightened good sense of this convention.

I trust it will not be deemed impertinent to take advantage of this occasion to express my anxious solicitude that the result of our labors may be crowned with the approbation of our constituents. I earnestly wish that the spirit of concord and conciliation may be cherished on all sides: that party views, local feelings, and sectional jealousies, may find no entrance within these walls; that we may look only to the true and permanent interest, the future character, dignity, and prosperity of the

state of Alabama; & that our deliberations may terminate in the adoption of a constitution which shall secure to her sons, to the remotest generations, the full enjoyment of the great blessings of life liberty, and property."

The Convention then proceeded to the choice of Maj. John Campbell for their clerk, and Daniel Rather' Door-keeper, after which they adjourned, to the next day at 10 o'clock.

Tuesday July 6.

The Convention met agreeably to adjournment, and proceeded to appoint a committee to draft rules and regulations for the Convention, a committee of elections, a committee of accounts, and provide for the public printing.

On motion of Mr. Hitchcock, a member from Washington county, the Convention resolved that His Excellency WM. W. BIBB, Governor of the Territory, be entitled to a seat within the bar of the house.

After the transaction of some business of minor importance, the Convention proceeded to take the question on the expediency of forming a Constitution for a State Government, in conformity to the act of Congress of March 2, 1819, and the yeas and nays being called for, it was unanimously resolved that it was expedient.

While this resolution was under consideration, the law of Congress authorizing the people of Alabama, to form a constitution and state government, was read, and a resolution submitted by J. D. Bibb, Esq. from Montgomery county, that the committee of elections first examine the credentials of the different members, and report thereon; which was declared to be out of order.

On motion of Mr. Clay, it was resolved that a committee be appointed to draft and report a Constitution. After much diversity of opinion, with respect to the number of this committee, It was finally resolved that it should be composed of 15. The convention adjourned till 10 o'clock the next day.

Wednesday, July 7.

The convention met pursuant to adjournment, when the Hon. Harry Toulmin, from Baldwin, and Mr. Wiggins, from Monroe, appeared and took their seats.

The committee appointed to draft a Constitution, are Messrs. Clay, Pickens of Washington, Bibb of Limestone, King, Taylor, Hitchcock, Murphy, Chambers, Hopkins, Saffold, Phillips, Watkins, Hughes, Bibb of Montgomery, and Ellis.

Mr. Pickens of Washington, from the committee to draft rules and regulations for conducting the business of the Convention, made a report, on which the convention went into a committee of the whole. Mr. Murphy being called to the chair, the rules were considered, section by section, and having been altered and amended, the committee rose and reported the rules as amended—in which the convention concurred, and ordered 100 copies to be printed for their use.

Mr. Toulmin moved that a committee be appointed to take into consideration and report to the Convention, their opinion on the expediency of accepting or rejecting the offers made to the people of the Territory, contained in the 6th section of the act authorizing the people of Alabama Territory to form a constitution, &c.

[This section makes 4 several propositions, to the Convention for their free acceptance or rejection.

1st. That the 16th section in each township shall be reserved for the use of schools.

2d That all salt springs together with the lands reserved, which shall be deemed necessary for working them, not exceeding one entire township shall belong to the territory; *Provided* the Legislature shall not sell or lease the same for a longer term than ten years at any one time.

3d That 5 *per cent.* of the proceeds of the sale of lands within this territory, which shall be sold after the 1st Septem-

ber next shall be reserved for making roads, canals, &c. three fifths of which shall be applied by the Legislature of the state within the same and two fifths by Congress to making a road or roads leading to it.

4th. That 36 sections or one entire township in addition to the one already reserved, shall be reserved and appropriated by the Legislature for the use of a seminary of learning, *Provided* the said Convention, disclaim all right to the waste lands and that each tract of land sold after the 1st of Sept. 1819, shall remain exempt from taxation, for the space of five years, thereafter and that the lands belonging to the citizens of the United States reserved out of the state, shall not be taxed higher, than those belonging to persons therein, and that no tax shall be laid upon lands, the property of the U. States, &c.]

Mr. Taylor conceived it unnecessary to submit that part of the act of Congress to a separate committee, that such a course would take from the committee for framing a constitution a part of the duties intrusted to them.

Mr Toulmin in reply conceived that the subject was a proper one for the consideration of a separate committee, he intimated that this offer of congress was a mere subject of treaty or compromise between two sovereign powers—that it was a question of expediency whether the people of this Territory ought to relinquish their right to the vacant land, and of taxing the same; he also intimated, that the right to the vacant land, and of taxing it, was recognized by the act of congress, authorizing the people of this territory to form a state government.

Mr. Townes, followed on the same side.

Mr. Taylor replied.

Mr. King and Mr. Pickens of Washington supported the motion.

Mr. Minor, said that he was not able to make up his opinion on the question under consideration without an examination of

the law of congress authorizing the admission of this territory, and comparing that with similar acts—and moved that the resolution lie on the table, which was opposed by Mr. Moore, Mr. Toulmin, Mr. Clay.

A division of the House being called for, the resolution was ordered to lie on the table.

After the transaction of some other business of minor importance the convention adjourned till tomorrow.

JOURNAL OF CONVENTION.²

Thursday, July 8.

The Convention met pursuant to adjournment.

Mr. Clay moved that the Convention now proceed to take into consideration the resolution offered by Mr. Toulmin yesterday, on the appointment of a separate committee for the purpose of considering the propriety of receiving or rejecting the propositions contained in the 6th section of the act, authorizing the people of this territory to form a constitution, &c. The convention agreed to consider the resolution and went into committee of the whole, Mr. Pickens from Washington in the chair.

Mr. Hitchcock offered the following resolution as an amendment.

Resolved, that this convention, in behalf of the people of Alabama Territory, do accept the propositions contained in the 6th section of the act for the admission of this said territory into the union, and on the conditions expressed therein, and that a committee be appointed to draft an ordinance, conformably to the provisions of said section.

Mr. Hitchcock supported his motion in a speech of considerable length, and adduced as authority the ordinance of Congress 1787, a part of which was read.

²Huntsville *Alabama Republican*, July 15, 1819.

Mr. Toulmin opposed the amendment with much warmth.

Messrs. Clay & Taylor, supported the motion.

Mr. Toulmin replied and expressed a wish that the amendment might not be adopted hastily, and was anxious that the convention would take time to consider the subject maturely.

Mr. Moore moved that the committee rise, report progress and have leave to sit again.

Mr. Walker, (President) opposed the motion.

Mr. King followed on the same side.

Mr. Toulmin supported the motion to rise, and adverted to the principles, contended for in the debate which took place in Congress at its late session, with regard to the restriction of slavery in the territory of Missouri, upon its admission and drew the inference that congress, had no right to require a stipulation similar to the one contained in the providing clause of the 6th section of the act of congress, under consideration.

The resolution as amended was carried and the committee rose and reported the amendment, which was concurred in by the convention and a committee of five, (viz.) Messrs. Toulmin, Rogers, Williams, M'Goffin and Townes was appointed to draft an ordinance and the convention adjourned to Monday next.

JOURNAL OF CONVENTION.³

Wednesday, July 14.

On motion of Mr. Minor, Resolved, that a Committee of five members be appointed to draw and report to this Convention a memorial to the Congress of the United States, praying that if the treaty with Spain, made at Washington during the present year, shall be ratified by the Spanish government, so much of the territory thereby ceded to the United States, as lies west of the Appilachicola river, may be annexed to the State of Alabama.

³Huntsville *Alabama Republican*, July 22, 1819.

Committee appointed to draft a memorial to Congress, Minor, Toulmin, Cook, Terril and Jackson.

Adjourned to 10 o'clock on Monday next.

Monday, July 19.

Convention met pursuant to adjournment.

On motion of Mr. Hitchcock, Resolved, that when the Convention adjourn that it adjourns to 9 o'clock the next morning unless otherwise ordered.

On motion of Mr. Toulmin—*Resolved*, that the same record be kept by the Secretary of the proceedings in the committee of the whole, as are kept while the president is in the chair.

Messrs. Taylor, King, and Clay, opposed the resolution.

Mr. Toulmin supported his motion. The motion was lost, only 7 rising in favor of it.

On motion of Mr. Clay the Convention resolved itself into committee of the whole on the Report of the Committee to draft a Constitution; Mr. King in the chair.

The report having been read, the Constitution was taken up section by section.

Some amendments were made in the preamble of the Constitution; for the most, part altering the phraseology of it.

The 5th section in the Bill of Rights declares, that "no human authority ought, in any case whatever to control or interfere with the rights of conscience." Mr. Toulmin moved that this section be stricken out and the following substitute adopted:—"The legislature of this State shall in no case interfere with the rights of conscience, but may pass laws providing for the respectful observance of the sabbath." Negatived.

After spending considerable time in discussing various

propositions to amend some other sections of the Bill of Rights, the committee rose, reported progress, and had leave to sit again.

The Convention adjourned to 4 o'clock, P. M.

July 19, 4 o'clock, P. M.

Convention met, and having gone into a committee of the whole; Mr. Toulmin in the chair. They proceeded through the Bill of Rights, making some alterations, amendments, and additions; and then the committee rose, reported progress and had leave to sit again.

On motion of Mr. Mead, Resolved, that the Secretary be directed to have printed for the use of the members ____ copies of the journal of the proceedings of the Convention.

Ordered to lie on the table.

Convention adjourned to 9 o'clock tomorrow morning.

Tuesday, July 20.

The Convention resolved into a committee of the whole, on the report of the select committee to draft a Constitution; Mr. Bibb of Limestone in the chair.

The committee proceeded to a consideration of the 2d and 3d articles of the Constitution, which relate to the distribution of powers and the legislative department.

Mr. Williams moved for an amendment to that section of the report which prescribes the age of the Representatives, and that the words 23 years should be stricken out for the purpose of substituting an earlier period; which was carried.

Mr. Chambers proposed filling the blank with 25 years.

Mr. Clay and Hopkins opposed; the motion was lost.

Mr. Hitchcock proposed 23 years. Lost. Messrs Clay and Pickens of Washington, were in favor of 22 years. Lost.

Mr. Williams proposed 21 years, which was supported by Messrs. Hopkins, Mead, Crabb and Moore.—Carried.

The qualifications of electors were so changed that they should not be obliged to be enrolled in the militia previous to the election, nor to reside in the county longer than *three* months.

Mr. Hughes moved that electors vote "*viva voce*," and not by ballot—supported by Mr. Hopkins, and opposed by Walker, [president] Clay, and Taylor—motion lost.

The times of taking the census were so altered that the first General Assembly provides for taking the census, and in the years 1820 and 1823, & every six years thereafter.

Mr. walker [president] moved that the report be so altered, that none but free white persons be entitled to representation, striking out "three fifths of all other persons, &c."—carried.

About one o'clock the committee rose, reported progress, &c. and the Convention adjourned till half past 3, *P. M.*

At half past 3, the Convention resolved itself into a committee of the whole—Mr. Saffold in the chair.

The 10th section of the Report of the committee on the "legislative department" provides for the apportionment of Senators, at the several times of taking the census, "*according to the whole number of its inhabitants contained in each district*," &c.

Mr. Hitchcock moved the following proviso, as an amendment, "*Provided that no district be entitled to more than one Senator.*"

(This amendment if adopted would effectually destroy the former part of the section and defeat the apportionment of senators according to the number of inhabitants. The amendment produced a much more animated debate than any question which had previously been brought before the committee, in

which gentlemen of the first talents in Convention participated.) Messrs Hitchcock, Toulmin, King, and Pickens supported the amendment; which was opposed by Messrs. Clay, Hopkins, Walker [president] Taylor & Townes.

The committee rose about six o'clock without taking the question, and the Convention adjourned.

Wednesday, July 21.

After ordering 545 copies of the Journals of the Convention printed for the use of the members and for distribution agreeably to the laws of the territory—the convention went into a committee of the whole, on the report of the select committee Mr. Murphy in the chair.

Mr. Hitchcock withdrew the amendment he had offered yesterday, & moved to strike out the 10th section of the 3d article, and to substitute the following in lieu thereof.

“The General Assembly shall, at the first session, after making every such enumeration, before mentioned, fix by law the whole number of Senators, shall divide the State into the same number of districts, as nearly equal in the number of white inhabitants as may be, each of which districts shall be entitled to one Senator and no more—*Provided*, that the whole number of Senators shall never be less than one fourth, nor more than one third of the whole number of Representatives.”

The motion was carried without debate and without a division.

(Thus, we see, a question, of much importance to the future peace and tranquility of the State, settled upon principles of equity and justice. The representation in the Senate, is apportioned according to the population in the several senatorial districts as near, as may be, and we can see no other possible plan to preserve the State from sectional jealousies, and party distinctions. It has always been our desire to allay rather than ferment party spirit, and we sincerely rejoice, in the amicable settlement of this question, which we apprehended would become a fruitful subject of contention.)

The committee made some alterations in the qualification of Senators, with respect to age and residence—requiring them to be only 27, instead of 30, and reducing the time of residence in the state from 4 years to two.

An attempt was made to lessen the time of service of Senator from 3 years to 2, which was lost, by the vote of the chair.

JOURNAL OF THE CONVENTION IN COMMITTEE OF THE WHOLE¹

Thursday, July 22.

The Convention resolved itself into a committee of the whole—Mr. King in the chair.

The *Executive Department* being under consideration, the committee proceeded to the 14th section of the article without making any important amendments or alterations.

That section gives the governor the power of nominating, and by and with the advice and consent of the senate, appointing all officers whose appointments are not provided for by the constitution. On motion, this section was stricken out.

The 17th sec. provides for the approbation and signature of bills by the governor.

Mr. Clay moved that the section be so altered that in case the governor should refuse to sign a bill passed by both houses of the General Assembly, it should still become a law, provided a majority of the whole number elected to each house should concur. Carried.

Mr. Williams moved to strike out the whole section with the amendments.

Supported by Messrs. Williams and Murphy—opposed by

¹Huntsville *Alabama Republican*, July 29, 1819.

Messrs. Hopkins, Clay, Hughes and Walker (president). Motion lost.

Mr. Toulmin moved an amendment, requiring only those bills which shall not have passed by a majority of the whole number of both houses of the General Assembly, to be submitted to the governor for his approbation and signature.

Supported by Messrs. Pickens (of Washington) and Toulmin—opposed by Messrs. Taylor, Hitchcock, Clay, Saffold, Hughes, Walker, (president.) Lost by vote of the chair.

The Sheriffalty. Mr. Taylor moved that that part of the section establishing the office of Sheriff, which rendered him ineligible at the second election, be stricken out.

Supported by Taylor and Williams—opposed by Pickens, Clay, and Hopkins. Lost.

Mr. Crabb moved to alter the term of service of sheriff from three years to two. Lost.

Mr. Minor moved to amend the section so as to render the sheriff after the expiration of his term of service, ineligible to any office of trust or profit, to be filled by the election of the people. Lost.

Committee rose, reported progress and had leave to sit again.

The Convention adjourned to 4 o'clock, P. M.

At 4 o'clock, Convention met and resolved itself into committee of the whole—Mr. Pickens (of Washington) in the chair.

Mr. Taylor moved to strike out the 22d section, which provides for the election of a sheriff, and designates the manner of his election and continuance in office.

Supported by Chambers, Hopkins, Taylor and King—op-

posed by Clay, Hughes, Hitchcock, M'Vay, Walker (president) and Toulmin. Lost.

Mr. Toulmin proposed the following amendment to the 22d section: "Should a vacancy occur subsequent to an election, it shall be filled by the Governor, as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the Sheriff then elected shall continue in office three years,"—which was adopted.

Friday, July 23.

Convention met and resolved itself into committee of the whole, Mr. Bibb of Limestone in the chair.

The committee took up that part of the report of the select committee which relates to the militia of the State.

[The indisposition of the Editor prevented him from attending to the proceedings of the committee on this day, but he is enabled to give the most important transactions of the day.]

Mr. Saffold moved to take from the Governor and Senate the power of appointing Major-Generals, &c. and to leave the mode of their appointment to the General Assembly.

Supported by Saffold and Murphy.

Hopkins and Clay were in favor of striking out the proposed plan, and giving the election of Regimental officers to soldiers in the line, brigadier-generals to the field officers, and major-generals to the Brigadiers.

The motion was opposed by Hitchcock, King, Toulmin, Walker [president] Taylor, Chambers & Hughes, but prevailed.

Upon reconsideration the following plan was adopted on motion of Mr. Saffold:

Majors General shall be elected by the brigadiers general

and field officers of the respective divisions—brigadiers general shall be elected by the field officers of the respective brigades; quarter-master generals and all other officers of the militia shall be elected or appointed in such manner as may be appointed by law—provided that the General Assembly shall not make such appointments other than those of adjutant-general and quarter-master general.

Saturday, July 24.

Convention met, and went into committee of the whole—Mr. Pickens in the chair.

On the *Judiciary Department* part of which was gone over yesterday.

Mr. Bibb of Limestone moved an amendment to the 9th sec. by striking out that part which declares that the General Assembly shall, previous to the year 1830 establish a court of chancery, and inserting the words "shall have power to," so that, as the section now stands, the General Assembly can establish the court of Chancery whenever there should be occasion for it, either before or after 1830.

The motion was carried.

Mr. Walker [president] moved that the powers of the Supreme Court be extended to the issuing of writs of injunction, mandamus, quo-warranto, habeas Corpus, and such other remedial and original writs, as may be necessary to give a general superintendence and control over inferior jurisdiction. Carried.

Mr. Bibb of Limestone, moved an amendment to the 13th section, so as to make judges of the inferior courts elected by the General Assembly in the same manner, as Chancellors and Judges of the Supreme and Circuit Courts are. Carried.

Mr. Bibb then moved to strike out that part of the 14th section which provides for giving a Judge (intended to be removed by address of the General Assembly) notice of the cause or causes of such address—and for admitting him at the bar of

each house in his defence—supported by Murphy, Bibb of Limestone, Phillips and Hitchcock—opposed by Toulmin, Townes, Saffold and Walker (president). Motion lost.

Mr. Bibb of Limestone moved, that clerks of courts hold their offices for the term of 4 years and not during good behaviour. Carried.

After various unsuccessful attempts to fix upon a plan for the appointment of clerks. Mr. Walker (president) moved that they be appointed in such manner and be removed from office for such causes as the General Assembly may prescribe by law. Which was carried.

Monday, July 26.

Convention went into a committee of the whole.—Mr. Saffold in the chair.

The committee passed over the article regulating *impeachments*, without making any alterations.

They then proceeded to consider the General Provisions, in which but few important amendments were made.

Mr. Toulmin made attempt to alter the section regulating divorces, so as to dispense with the sanction of two-thirds of the General Assembly.

Supported by Clay and Taylor—opposed by King, Pickens, Walker (President.) Lost.

Mr. King moved an alteration as to time in the section requiring the General Assembly to arrange and designate the boundaries of the several counties in the State. The year 1828, or the following session was fixed upon—& to correspond with this arrangement, an additional census was ordered to be taken in 1826.

After making some other unimportant alterations in the General provisions, an attempt was made by Mr. Chambers to

strike out the 22d section, which requires the General Assembly, "to form a penal code, founded on principles of reformation and not of vindictive justice."

Supported by Chambers, Clay & King—opposed by Pickens, Walker (President,) and Hughes. The motion was lost.

Mr. King moved to strike out the provision of the 24th section which restricts the General Assembly from selling the lands appropriated to a college till 1825. Carried.

4 o'clock P. M.

Convention resolved itself into a committee of the whole, Mr. King in the chair.

The committee proceeded through the articles of "*slaves and mode of amending and revising the Constitution*," without making any considerable alterations.

On motion of Mr. Bibb (of Limestone,) the majority of "*three fourths*" of the General Assembly, required by the plan reported, to effect an amendment to the Constitution was stricken out and "*two-thirds*" substituted.

Tuesday, July 27.

Convention went into a committee of the whole, Mr. Bibb of Limestone, in the chair.

Banks. Much time was consumed yesterday evening, and this morning in altering & amending the plan proposed by the select committee for the establishment of banks—some propositions, adopted yesterday, were reconsidered and altered today. And such has been the variety of plans agitated and decided that we can now, do little more than give our readers, a general outline of the views of the committee.

Mr. King moved an entire change of the plan, so as to confine the General Assembly to the establishment of one State bank, and branches from time to time, as the General Assembly might deem expedient, provided that not more than one branch

should be established at any one session, and that, not without a concurrence of two-thirds of both Houses.

This plan was supported by Hopkins, Hughes and King. And opposed by Walker (President,) Clay, Taylor and Pickens, but finally prevailed.

Mr. King then moved that the bank be allowed to go into operation when one half of the amount subscribed for be paid in—provided such sum amounted to \$100,000.—Carried.

Whenever a bank shall suspend specific payments, the holder of its notes shall be entitled to recover interest at the rate of *12 per cent*, during such suspension, unless the General Assembly, upon examining the state of the bank shall approve of the course it has pursued. And the Legislature shall have a General control over the bank and may declare its charter forfeited.

Committee rose at 1 o'clock, reported progress and the Convention adjourned.

4 o'clock P. M.

Convention met and went into a committee of the whole Mr. Pickens in the chair.

The committee proceeded thro' the Schedule and added one member to the House of Representatives from the following counties viz. Autauga, Lauderdale, Montgomery and Tuscaloosa, making that House consist of 51 members.

The plan of the Constitution having been gone through, the committee rose, and reported the same as amended.

The Convention then went into a committee of the whole on the ordinance reported by the select committee, in pursuance of the 6th section of the Act of Congress—which underwent some amendments, when the committee rose and reported it to the Convention who concurred in the amendments and ordered it to be engrossed for a third reading.

PROCEEDINGS OF THE CONVENTION⁵

Wednesday, July 28.

The Constitution with the amendments made in committee of the whole, was read through a second time by the President.

On this day and the day following many additional amendments were adopted, and many propositions were made for essentially altering the general features of the Constitution, the most of which failed: these, together with a complete journal of the proceedings of the Convention will shortly be published.

Several attempts were made in committee of the whole to change the senatorial districts, all of which were unsuccessful.

Mr. Bibb of Limestone moved so to amend that section as to give to the counties of Madison, Lawrence and Cotaco each one senator, but the proposition failed, by reason of one of the members from Lawrence refusing to vote for it.

The subject of the senatorial districts claimed the attention of the Convention repeatedly.

Thursday, July 29.

Mr. Crabb moved to amend the apportionment of senators by striking out all that part of the section, with the view of inserting the following substitute: "The county of Madison shall be entitled to two senators and every other county one."

The question being taken by yeas and nays on striking out—was lost.

Yeas—Messrs. Armstrong, John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, M'Vay, Metcalfe, Phillips, Rogers, Sims, Terrel, Thompson, Tindal, Toulmin, Vaughan—21.

Noes—Mr. President, Messrs. Bibb of Limestone, Bibb of Montgomery, Chambers, Clay, Davis, Hitchcock, Hopkins,

⁵Huntsville *Alabama Republican*, August 5, 1819.

Hughes, King, Minor, Moore, Pickens of Monroe, Pickens of Washington, Saffold, Taylor, Townes, Watkins, Wiggins, Wright and Williams—21.

Mr. Bibb of Montgomery moved to strike out the word two, in the 8th section, with a view of giving to Madison county one Senator. Lost.

Mr. Williams moved to amend that section which provides for the temporary seat of Government, by striking out the words "at Cahawba" with a view of inserting "at such place as may be prescribed by law."—lost Yeas 6—Noes 35.

Mr. Williams then moved to reconsider the motion made by Mr. Crabb, a few minutes previous, to alter the Senatorial districts. Carried.

Mr. Crabb then again moved to strike out the Senatorial apportionment, with a view to give each county one Senator. The question being taken on striking out, by yeas and nays, those who voted in the affirmative were Messrs. Armstrong, Bibb, of Montgomery, John Brown, Isaac Brown, Conner, Cook, Crabb, Ellis, Garrow, Hanby, Jackson, M'Goffin, M'Vay, Metcalfe, Phillips, Rogers, Sims, Terrel, Thompson, Tindal, Toulmin, Vaughan, Wiggins, Wright and Williams—26.

Nays—Mr. President, Messrs. Bibb, of Limestone, Chambers, Clay, Davis, Hitchcock, Hopkins, Hughes, King, Minor, Moore, Pickens of Monroe, Pickens of Washington, Taylor, Townes and Watkins—16.

Mr. Moore moved to amend the proposed amendment so as to give Madison county two Senators. Lost.

The question was then taken on Mr. Crabb's motion to give every county one Senator, and decided in the affirmative.

There being no other motion to amend the Constitution was ordered to be engrossed for a third reading.

On Friday July 30th. The engrossed copy of the Constitution and ordinance was read a third time, unanimously passed and ordered to be enrolled for signature.

On Monday August 2d. The enrolled Constitution was reported by the committee to be correct, and received the signature of the President and members of the Convention.

Mr. Pickens of Washington moved, the following resolution of thanks to the President.

Resolved that the thanks of this Convention be presented to *John W. Walker*, President thereof, for the dignity, ability, and impartiality with which he has discharged, the arduous duties of the chair.

To which the President delivered the following answer:

“GENTLEMEN—I receive with lively sensibility, this fresh testimonial of your favour. While I have life, I shall never cease to cherish a grateful recollection of the uniform kindness and support of this enlightened Convention. It affords me sincere gratification to find that the manner in which I have been enabled to discharge the duties of the chair has been satisfactory to you: and for the polite and flattering terms in which you have chosen to express your approbation, I tender you the return of warm and cordial thanks.

The subject on which we were called to deliberate was of the first importance. Our labors are now at an end. We have given to the State of Alabama a Constitution—not indeed perfect—not precisely such as any one member of this body, or perhaps any individual of the community, would, unassisted, have framed in his closet: yet emphatically *Republican*, and such as gives us a clear and indisputable title to admission into the great family of the Union. If it has some faults, it has, at the same time, many excellencies; and for all its defects, it carries in itself the grand corrective of amendment. The people can mould it as they please. It proclaims the great first principle of liberty: it guards the equal rights of all: and some new features, of vital

interest, seem to promise the happiest results. The offspring of mutual concession and compromise, it occupies that middle ground on which a majority was found to unite. In the main, we have all approved, and signed it. Let us hope that it will be also approved by the people of Alabama: and that under its auspicious influence, they and their posterity may long be free, prosperous, and happy!

Accept, gentlemen, for yourselves, individually, my best wishes for your health, happiness, and long continued usefulness."

After which the Convention adjourned, *sine die*.

THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXI FALL AND WINTER, 1969 Nos. 3 & 4

Published by the
ALABAMA STATE DEPARTMENT
OF
ARCHIVES AND HISTORY



THE ALABAMA HISTORICAL QUARTERLY

Vol. XXXI FALL AND WINTER, 1969 Nos. 3 & 4

CONTENTS

History of Early Cahaba: Alabama's First State Capital by <i>Sam Earle Hobbs</i>	155
Alabama's Hilliard: A Nationalistic Rebel of the Old South by <i>Carlton Jackson</i>	183
Benjamin Hawkins' Trip Through Alabama, 1796 by <i>Marion R. Hemperley</i>	207
A Southern Student Describes the Inauguration of Presi- dent James Buchanan edited by <i>Kenneth R. Johnson</i>	237
Book Reviews	241
Bailey, <i>Edgar Gardner Murphy: Gentle Progressive</i> , by James A. Patrick	241
Boney, <i>A Union Soldier in the Land of the Van- quished: The Diary of Sergeant Mathew Wood- ruff, June-December, 1865</i> , by Sylvia Cook	246

Milo B. Howard, Jr., Editor

Published by the
ALABAMA STATE DEPARTMENT
OF ARCHIVES AND HISTORY
Montgomery, Alabama

SKINNER PRINTING COMPANY

LLOYD STREET

MONTGOMERY, ALABAMA

CONTRIBUTORS

MR. SAM EARLE HOBBS is a practicing attorney in Selma, Alabama.

MR. MARION R. HEMPERLEY is employed by the Georgia Surveyor General Department, State of Georgia, Atlanta, Georgia.

DR. CARLTON JACKSON is a member of the history faculty at Western Kentucky University, Bowling Green, Kentucky.

DR. KENNETH R. JOHNSON is a member of the history faculty at Florence State University, Florence, Alabama.

HISTORY OF EARLY CAHABA ALABAMA'S FIRST STATE CAPITAL*

by
Sam Earle Hobbs

DeSoto, we know, passed through this part of what is now Alabama in 1540, on his way to Mauvilla, but despite assertions to the contrary, no hard evidence permits us to conclude that he or his men actually passed or visited the exact site of Cahaba.¹ Later Spanish maps show an Indian town at the location known as Casiste. Thomas M. Owen reports that the name Cahaba, or Cahawba “. . . is doubtless of great antiquity, although the first known reference to it is on D'Anville's Map of 1732 as 'Caba'. On DeCrenay's map, one year later, it is spelled 'Capo'. This is said to be a corruption of two Choctaw words meaning 'Water Above'.” Undoubtedly, an Indian town of considerable size existed here during the early 18th Century² and the tribe was probably Choctaw although the possibility that the Indians were Alabamas cannot be excluded.³

*This paper was read at the Alabama Historical Association's pilgrimage to Selma and Cahaba, October 25, 1969.

¹Albert James Pickett, *History of Alabama and Incidentally of Georgia and Mississippi from the Earliest Period* (Tuscaloosa: Willo Publishing Company, 1962, republication), 34, 35, hereafter cited as Pickett, *History of Alabama*. Pickett asserts that DeSoto marched through the territory embraced by the southeastern part of Dallas County and crossed to the northern or western side of the Alabama after arriving at a strongly fortified Indian town called Piache. He surmizes Piache must have been near where Chilatchee Creek flows into the Alabama on its northern side. Chilatchee Creek forms the present Boundary between Dallas and Wilcox Counties in the area lying north of the Alabama river. If Pickett is correct, DeSoto's expedition passed across river from Cahaba and probably some miles distant to the south. See also: *Final Report of the United States DeSoto Expedition Commission*, House Document 71, 76th Congress, 1st Session (Washington: Government Printing Office, 1939).

²Thomas M. Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago: The S. J. Clarke Publishing Company, 1921), I, 188, hereafter cited as Owen, *History of Alabama*.

³Pickett, *History of Alabama*, 81, and Verner W. Crane, *The Southern Frontier 1670-1732* (Ann Arbor: University of Michigan Press, 2d Printing, Ann Arbor Paper backs, 1959), 134-136, *passim*. Bogue Chitto Creek in western Dallas County is said to have been the eastern boundary of the Choctaw tribe. William A. Read, *Indian Place-Names in Alabama* (Baton Rouge: Louisiana State University Press, 1957), xi.

Following the defeat of the "Red Sticks" at Horseshoe Bend in March 1814, the lands in the Alabama River Valley were at last substantially cleared to white settlement, but for a long time before this there was probably no Indian Village at the mouth of the Cahaba, and indeed, no community whatsoever.⁴

One James White reportedly settled at the location in 1816 and for a time it was called "White's Bluff." The second white settler in the vicinity is said to have been Lorenzo Roberts. Both were probably squatters.⁵

Upon the admission of Mississippi as a state, the eastern portion of the old Mississippi Territory was formed by the Congress into the Alabama Territory on March 3, 1817, with St. Stephens on the Tombigbee as its seat of government. The first Governor of the Alabama Territory appointed by President Madison was Dr. William Wyatt Bibb of Georgia, who besides having represented Georgia in the U. S. House of Representatives and Senate, was a close personal and political friend of William H. Crawford of Georgia, then the Secretary of the Treasury of the United States.⁶

By 1817, the Warrior-Tombigbee and Alabama-Cahaba river valleys were being entered by an increasing stream of new settlers, but Madison County in the Tennessee Valley still had by far the densest population in the Territory. Far to the southwest in Mobile County, Baldwin County, and in the Tombigbee settlements were the only other established white communities in the whole Territory.⁷

⁴William H. Brantley, *Three Capitals, A Book About the First Three Capitals of Alabama, St. Stephens, Huntsville and Cahawba*, (Boston: The Merrymont Press, 1947), 225, hereafter cited as *Three Capitals*.

⁵Walter M. Jackson, *The Story of Selma* (Birmingham, Ala.: The Birmingham Printing Company, 1954), 5, quoting Edgefield in *Dallas Gazette*, February 24, 1854, hereafter cited as *The Story of Selma*.

⁶Brantley, *Three Capitals*, 23.

⁷William Garrott Brown, *A History of Alabama* (New York and New Orleans: University Publishing Company, 1902), 125.

Dallas County (along with 12 other counties) was created by the first session of the Territorial Assembly which convened at St. Stephens January 19, 1818, and the "mouth of the Cahawba" was designated as the County seat.⁸ The first records of the Orphan's Court of the County show that the Worshipful Roderick McLeod, Chief Justice, met with the justices of the quorum on June 8, 1818 at the home of Capt. John Howard "near the mouth of the Cahawba." The Court's business at this session was to probate the will of one Reuben White, deceased. The fact that John Howard's house was "near the mouth of the Cahawba" tends to support the assertion that no settlers resided at the site at this time, doubtless because lands there had been withheld from sale by the Federal Government.⁹

The Territorial Assembly at the same session in St. Stephens enacted a law authorizing five named Commissioners of the Assembly under the chairmanship of Clement C. Clay of Madison County "to examine and report to the Governor the most eligible Scite for the Seat of Territorial Government." Brantley reports there were two contending factions which tried to control the selection of the capital site. Classified generally, they could be called the Alabama-Cahaba River basins group and the Warrior-Tombigbee River system group. The powerful Tennessee Valley section leaned towards an alliance with the Warrior-Tombigbee faction because of a somewhat closer community of interest and better natural conditions for communication and transportation. The Tennessee Valley although then the most populous area of the Territory was generally deemed by "the public men" to be too far from the geographic center of the Territory to press its claim for the permanent capital site, but its political power was courted by both contending factions. It appears that the commission appointed by the Assembly to recommend a capital site was dominated by Warrior-Tombigbee supporters and this fact apparently was not lost on Governor William Wyatt Bibb.¹⁰

⁸Harry Toulmin, *A Digest of the Laws of the State of Alabama* (Cahawba: Ginn and Curtis, 1823), 88; hereafter cited as *Digest*. The act was passed at the first session of the Territorial Assembly, February 9, 1818.

⁹Brantley, *Three Capitals*, 225.

¹⁰*Ibid.*, 27, 31.

The first session of the Territorial Assembly at St. Stephens adjourned on February 18, 1818. The commission, as directed by the Assembly, must have viewed several sites during the ensuing spring months and it reported in due course to Governor Bibb that Tuskaloosa on the Warrior was its choice. Governor Bibb, however, had other plans. He now resided on a large plantation near Coosada in what was then Autauga County, on the Alabama river, and he had become a dedicated Alabama-Cahaba basin partisan. As we have already seen, William Wyatt Bibb, particularly through his old Georgia colleague William H. Crawford, now Secretary of the Treasury, had powerful connections in Washington, and having himself determined to locate the capital at "the mouth of the Cahawba," he arranged for a free grant from the federal government to the Territory of a section of land at the Cahaba location.¹¹ His decision in disregard of the Commission's report was apparently not known, nor communicated to the Assembly until he made a masterful report to this body when it convened again at St. Stephens for its second Session in November, 1818.¹² Undoubtedly the surprise of the Governor's maneuver, the prospect of the free land grant from the National Government, and the disinclination on the part of many Assemblymen to fight the able and powerful Governor who then held a veto power with respect to the capital site location, caused the Assembly to pass an act establishing the Seat of government "permanently" at the town of "Cahawba." As will be seen, however, the Tuskaloosa supporters although out-manuevered in this round, were numerous, were resourceful and were determined that Cahaba should not become the "permanent" capital of the territory or State.

With the hind-sight of 151 years, we pause to speculate as to why Governor Bibb should ever have selected Cahaba as the Capital site in preference to other locations.

¹¹*Ibid.*, 31-35.

¹²*Ibid.*, 31 ff. Brantley suggests that Governor Bibb ignored, and did what he could to suppress, the Commission's report which favored Tuskaloosa. This, says Brantley, probably accounts for Owen's error (*History of Alabama*, I, 186) in stating the Commissioners chose Cahawba.

Firstly, in Bibb's own language, it was on a river "... capable of being navigated by boats of great burthen."¹³ Steamboats had already been operating on the Hudson River in New York for over ten years;¹⁴ rivers were then the arteries of trade and commerce, and steam navigation, "the wave of the future."

Secondly, at the time, nearly a quarter of the whole Alabama Territory (in what could be loosely called east Alabama) comprised the Creek and Cherokee Lands, and thus Cahaba, though slightly south of the geographic center of the Territory, came reasonably close to meeting this qualification.¹⁵

Thirdly, as Bibb himself urged, the lands around Cahaba constituted "... an extensive and fertile back country on the Alabama and Cahawba and their tributary streams ..." and this promised well for its future, permanent population, and from all known indications of the time, Bibb could reasonably speculate that it would some day be close to the population center of the Territory or State.¹⁶

Fourthly, Bibb with his keen political instinct probably knew that if "the mouth of the Cahawba" were selected, not only would the legislative delegates from Counties on the Alabama River support the site but the Counties up-river in the Cahaba Valley would tend also to fall in line. These Cahaba Valley Counties, some seven years later, included Perry, Bibb, Shelby, St. Clair and Jefferson. If Governor Bibb had picked a location up-river on the Alabama (from the mouth of the Cahawba), like Selma, Statesville or Montgomery, such locations might not attract the Cahaba Valley vote if the question of capital removal should later become an issue.

¹³*Ibid.*, 34.

¹⁴By 1807 Robert Fulton had constructed the *Clermont* on the Hudson River.

¹⁵Among other things, the Act appointing the Commissioners provided that the most eligible site for the Territorial Government should be, "... as near the centre of the Territory as may be, having due regard to commercial advantages, and the nature and situation of the country; ..." *Acts, 1818*, 94, and see Brantley, *Three Capitals*, 26 n.

¹⁶Bibb's written report to the Territorial Assembly made November 8, 1818, is set out *in extenso* in Brantley, *Three Capitals*, 32-35.

Fifthly, no land patents had yet been issued by the Federal Government at "the mouth of the Cahawba". This, of course, was not true at most other competing locations which already had settlements. The Cahaba location therefore offered the prospect of a free grant of land to the State for a capital site, and thus the chance to sell lots and enrich the State's Treasury.¹⁷

Finally, Bibb probably viewed the location at a time of low or normal water in both streams. At such times the bluff on the west bank of the Alabama appears high and virtually insurmountable by any conceivable high water. Bibb also probably did not appreciate the potential flood capability of the normally placid Cahaba river which virtually girdles half the town site. As lowland residents of this area now know, when the Alabama is close to flood crest, her tributary creeks and rivers cannot discharge their water burden, and the raging Alabama acts like a dam or wall in causing such streams as the Cahaba to overflow and flood for miles up-river from their mouths. This, we suspect was the town of Cahaba's peculiar misfortune. Her trouble from inundations in the capital period probably came not from direct over-flow of her bluff from the Alabama River but from Cahaba River back-water flowing in upon the town from several possible directions.¹⁸

¹⁷*Ibid.*, 33.

¹⁸*Ibid.*, 170-71. Brantley suggests, *arguendo*, that during these years ". . . the floods at Cahawba were more powerful and effective politically than they were naturally." Brantley quotes Mr. Robbie D. Sturdivant of Dallas County as reporting about 1947 that only once in Mr. Sturdivant's long memory did the Alabama River itself cover the bluff at Cahaba where the capitol once stood, this being in the year 1916. Gaging-station records maintained for the Alabama River at Selma, some fifteen miles up-river from Cahaba show the gage height in feet of the 1916 river peak to have been 53.9 feet at Selma. Years in which this 1916 gage height have been exceeded at Selma include 1886, 1892, 1919, 1929, 1938, 1948, and 1961. Flood waters are, of course, unpredictable, but it can be reasonably argued that the Alabama River itself probably flooded the bluff at Cahaba where the State capitol once stood some eight times from 1886 to 1969, a period of some 83 years. U. S. Geological Survey, "Floods in Alabama—Magnitude and Frequency," Circular 342 (Washington D. C., United States Department of Interior, 1954), 71, as up-dated from records compiled and maintained by Lewie R. Crisman, Alabama Registered Land Surveyor, Selma, Alabama.

The Assembly at St. Stephens, after naming Huntsville as the temporary capital, then empowered the Governor to accept on behalf of the Territory the appropriate land grant at "the mouth of the Cahawba" from the United States and to serve as Commissioner with power to lay off on such plan as he deemed most suitable, a "Town at Cahawba." The Governor was also instructed to sell lots in the town to the highest bidders and from the proceeds thus obtained to cause to be erected a building suitable for "the temporary accomodation" of the General Assembly of the Territory or State. The Act expressly provided that the Governor could not spend in excess of \$10,000.00 to erect the State House building at Cahaba.¹⁹

The rather niggardly limitation on the cost of the State House coupled with the action of the Assembly in specifying that the new temporary capital should be Huntsville were, at the time, to Alabama basin people "clouds no bigger than a man's hand." Governor Bibb had got the capital at Cahaba and optimism and exhuberance in this section ran high.

Even before Cahaba's selection as the capital many of the best tracts of land near the Alabama River had been sold at public auction from the land office at Milledgeville, Georgia, the first auction covering some lands in this area having been held there in early August, 1817.²⁰ After the first Seminole war in May, 1818, in which General Jackson defied Spain and occupied Pensacola, the remnants of the Creek Indians not already on the Creek lands in East Alabama departed Central and South Alabama, finally removing lingering fear of hostile Indian attack in this area. Settlers now began to pour into the Territory.²¹

The population of the Alabama Territory now greatly exceeding the 60,000 specified in the Act as a pre-requisite for admission as a State, Congress on March 2, 1819, authorized the

¹⁹Brantley, *Three Capitals*, 38.

²⁰Frances C. Roberts, "Politics and Public Land Disposal in Alabama's Formative Period," *The Alabama Review* (July, 1969), 171 ff.

²¹Brantley, *Three Capitals*, 28.

Territory to draft a state Constitution, and the Constitutional Convention assembled in the temporary capital, Huntsville, from July 5th to August 2nd, 1819. There were 44 delegates to this Convention representing the then 22 counties. The work of drafting was entrusted to a "committee of fifteen."²² This "committee of fifteen" which included William Rufus King of Dallas County, was probably dominated by the pro-Tuskaloosa faction led by Clement C. Clay of Madison, who will be remembered as the chairman of the Assembly's old commission which selected Tuskaloosa in preference to Cahaba as the capital. Clay's designs upon Governor Bibb and Cahaba are apparent in Article III Section 29 of the Constitution as drafted and finally passed. It read:

The first session of the General Assembly shall commence on the fourth Monday in October next, to be held in the town of Huntsville, and all subsequent sessions of the General Assembly to be held in the year eighteen hundred and twenty-five; during that session the General Assembly shall have the power to designate by law (to which the executive concurrence shall not be required) the permanent Seat of Government, which shall not thereafter be changed; provided, however, that unless such designation be then made by law, the government shall continue permanently at the town of Cahawba.²³

No minutes or other records have survived concerning the deliberations of the "Committee of Fifteen," but the maneuvering and "in-fighting" between the pro-Cahaba and pro-Tuskaloosa factions must have been prolonged and the final committee vote, close, before the particular provision on the capital was reported out to the convention floor. North Alabama having a clear majority of the Convention delegates, the draft comfortably

²²See generally, A. B. Moore, *History of Alabama and Her People* (Chicago and New York; The American Historical Society, Inc. 1927), I, 137 ff, hereafter cited as Moore, *History of Alabama*; Brantley, *Three Capitals*, 44 ff.

²³Brantley, *Three Capitals*, 45, 46; Toulmin, *Digest*, 921.

passed when it reached the floor of the convention and thus became embedded in our first Constitution.²⁴ Not only was this provision repugnant to the Act of the Territorial legislature which made Cahaba the permanent capital of the Territory or State, but it expressly took away from the Governor the power of veto on the question of removal of the capital.

If further evidence of the over-riding political importance of the "capital fight" is needed, we have only to look at the territory-wide vote held in the general election for governor of the prospective new state in September, 1819. Marmaduke Williams of Tuskaloosa, then relatively unknown in Alabama, ran against Governor Bibb as a protest candidate on account of Bibb's high-handed action in locating the Seat of Government at Cahaba. Williams polled some 7185 votes as opposed to William Wyatt Bibb's 8336, and significantly, an analysis of the County returns shows that Williams' strength closely followed the Tombigbee-Warrior River System, while Bibb carried the counties drained by the Alabama and Cahaba Rivers.²⁵ The polarization between the Dallas County and Tuskaloosa County vote on these two candidates is reported as follows:

	Bibb	Williams	Total
Dallas	647	115	760
Tuskaloosa	123	824	947 ²⁶

Bibb, despite the surprisingly close margin, was declared the elected Governor, and Alabama was duly admitted to the Union December 14, 1819.²⁷ Her two United States Senators chosen by the first Session of the General Assembly in Huntsville were John Williams Walker of Madison and William Rufus King of Dallas County.²⁸ Alabama's first and single United States

²⁴Brantley, *Three Capitals*, 45.

²⁵Moore, *History of Alabama*, I, 146.

²⁶Brantley, *Three Capitals*, 52-53. Perhaps because of his political connections through "the Georgia faction," Bibb did manage to win by a narrow margin in Madison County, and by a larger margin in Limestone, the home county of his brother, Thomas Bibb.

²⁷*Ibid.*, 53.

²⁸*Ibid.*, 50.

Representative was John Crowell formerly of St. Stephens, but who had removed to Cahaba, Dallas County before his election to Congress.²⁹

Even before the State Constitutional Convention assembled at Huntsville, Territorial Governor Bibb had worked unremittingly on Cahaba's behalf. He managed to get the federal land grant for the capital increased from the one section, or 640 acres, originally obtained, to 1620 acres, including some acreage on the east side of the Alabama River.³⁰ His survey for the Town of Cahaba was drawn by Messrs. Willis Roberts and Benjamin Clements and their handsome symmetrical town plan is said to have been influenced by the plan of Philadelphia.³¹ As early as March 3, 1819, we find the Congress passing an Act establishing a post road from St. Stephens to Cahaba and this too, we suspect, was a result of Governor Bibb's efforts on behalf of Cahaba.³²

In May 1819 the first town lots at Cahaba were thrown open for sale.³³ At about the same time the land office in Milledgeville, Georgia, had been removed to Cahaba. Walter M. Jackson, reporting on the auction sales of these town lots quotes an old settler as saying:

. . . It was a perfect harvest for the tavern keepers, merchants and liquor sellers . . . for as soon as it was known that the Seat of Government was to be located there, the inhabitants from the surrounding country poured in like bees setting on a limb where they found the queen had pitched her quarters³⁴

²⁹*Biographical Directory of American Congress 1774-1949* (Washington: Government Printing Office, 1950, 1038; Jackson, *The Story of Selma*, 10, 11.)

³⁰Brantley, *Three Capitals*, 61.

³¹*Ibid.*, 63.

³²Owen, *History of Alabama*, II, 1136.

³³Brantley, *Three Capitals*, 63.

³⁴Jackson, *The Story of Selma*, 6.

Governor Bibb himself attended these May auction sales and proudly reported to the Assembly in Huntsville in the fall of that year (1819) that the auctioneers had sold one hundred eighty-two lots in "the Town of Cahawba" for the sum of \$123,856.00 of which sum, \$30,964.00 was paid in cash. Auctioneers Willis Roberts and Benjamin Clements earned their fee of \$730.00 which the Governor paid them.³⁵

It must be remembered that the Territory's Treasury was without funds when the town lot sales began and the total sum bid at these first auction sales seemed to promise well for the future. The prices of certain individual lots undoubtedly reflected the spirited bidding, and at least two choice lots brought \$5000.00, or more, apiece.³⁶ Buyers at this and later auctions reflected names of people already prominent in the Territory's affairs including quite a few of Governor Bibb's well-placed friends of the so-called "Georgia faction" who had already obtained extensive land grants both in the Tennessee Valley and in the Alabama River area.³⁷

Even before these lot sales were held, the Governor had made plans for the building of the State House, and after advertising for bids in the *Halcyon and Tombeckbe Advertiser* printed in St. Stephens, April 15, 1819, the contract for the erection of the first capitol building was awarded to David and Nicholas Crocheron of Dallas County for the sum of \$9000.00. Although some confusion at one time existed as to the exact location of the old capitol building, research has definitely established that the building was located on Lot 125 at the southwest intersection of Capitol Avenue and Vine Street. The building itself faced Vine Street and the Alabama River.³⁸

³⁵Brantley, *Three Capitals*, 63.

³⁶Jackson, *The Story of Selma*, 6-7.

³⁷*Ibid.* Purchasers of Cahaba town lots listed by W. M. Jackson include such prominent names as Reuben Saffold, Uriah G. Mitchell, Samuel Dale, Jesse Beene, William Rufus King, John Crowell, Thomas Bibb, Israel Pickens, Gabriel Moore, Clement C. Clay, and Henry H. Hitchcock.

³⁸Brantley, *Three Capitals*, 35.

Contemporary records afford us no photographs or reproductions of the capitol building but from the published advertisement for bids, we are able to reconstruct an image of our first state capitol:

. . . The building to be two story, fifty-eight feet long and forty-three feet wide; each story to be twelve feet in the clear. The interior to be divided above and below stairs by a passage fourteen feet wide, on one side of which shall be one room the whole width of the house, and on the other, two rooms. Two chimnies and eight windows are to be provided at each end and twelve windows on each front of the building; each window to be twenty-four lights, 8 x 10. The outer walls to be commenced two feet below the surface of the earth, and to be two brick and half thick to the first floor (which must be three feet above the surface of the earth), and from thence two brick. The inner wall dividing the apartments to be one brick and a half thick, and each apartment to be plastered and white-washed. The shingles are to be of cypress or heart pine. Doors, stairs and the like to be included in the contract . . .³⁹

Activity must have been frenzied at Cahaba during the years 1819-1820. The new town had been chartered by the Act of the Assembly at Huntsville on December 3, 1819, and an election was held at Cahaba January 1820 to choose seven Councilmen.⁴⁰ By May of 1820, the five Circuit Judges of the New State convened as required by law at Cahaba in the house of William Pye, and organized the Supreme Court which there held its first term⁴¹ As already seen, the federal land office had been transferred from Milledgeville, and as the Crocheron brothers pushed forward completion of the State House, Cahaba must have presented a bustling, if disorderly, appearance. Owen tells us, "It became at once a thriving business and an attractive social center".⁴²

³⁹*Ibid.*, 63-65.

⁴⁰Toulmin, *Digest*, 817-19.

⁴¹Brantley, *Three Capitals*, 70.

⁴²Owen, *History of Alabama*, I, 186.

A report by David Moore, State Comptroller, printed in the *Huntsville Republican* of March 2, 1821, tabulates statistics for the State on a county-by-county basis apparently for the year ending 1819. This quaint compilation from Tax Assessment records showed that Dallas County reported \$96,819.00 in sales of merchandise in 1819, already had 1225 taxable slaves, had "Pleasure Carriages" of an assessed value of \$5060.00, counted some eight attorneys and five physicians, and reportedly had 19 gold watches, 65 silver watches and 8 clocks among its populace. Dallas Countians acknowledged owning for tax purposes 23 saddle and carriage horses, but no race horses. The dollar amount of personal property assessed in the County came to \$3207.53. Since Alabamians in 1819 were probably as reluctant as Alabamians are now to declare to the Tax Assessor the true extent and value of their personal property, many of these entries are probably conservative. As modest as the figures are, they do reflect the surge forward of Dallas County, the location of the new State capital, as compared with other and some older counties. Only Madison of the 26 counties in the tabulation reflected a higher total amount assessed for the year, and the figures for Dallas County in most categories would seem to place her already among the front rank of Alabama counties.⁴³

The United States census of 1820 showed that by that time, Dallas County, the home of the new State Capital, had a population of some 6000 people composed of 3324 whites and 2679 negroes.⁴⁴ Only 15 miles upstream from Cahaba a land company under the leadership of the State's distinguished Senator, William Rufus King, was achieving success in promoting the new Town of Selma which was chartered by the Assembly as a Town in 1820, this being only a year after Cahaba itself was chartered.⁴⁵

⁴³Huntsville *Republican*, March 2, 1821.

⁴⁴John Hardy, *Selma: Her Institutions and Her Men* (Selma, Ala. Times Book and Job Office, 1879), 6, where tabulations are given of Dallas County population by race for the decennial censuses 1820-1870, inclusive; hereafter cited as Hardy, *Selma*.

⁴⁵*Ibid.*, 7-8. Date of passage of Act incorporating "Town of Selma" is reported as Dec. 4, 1820, Toulmin, *Digest*, 832.

In the midst of all the bustle and high hopes for the new capital city, it received a staggering blow when Governor William Wyatt Bibb fell from his horse and died suddenly in July, 1820. In his fortieth year at the time, he had been Cahaba's most effective promoter, planner, champion, and defender. Without his political power, industry, and skill a bright future for the new capital seemed considerably diminished. Bibb's sudden death, combining perhaps with a tight money situation, the earlier sales of the most desirable lots, and other factors, caused the sale of an additional 191 lots in November, 1820, to bring only \$21,727.00.⁴⁶

Activity at the new town continued however in preparation for the first meeting of the Assembly there on November 6, 1820. Indications are that a number of inns or taverns already existed; there were doubtless several boarding houses; a regular ferry across the Cahaba River and one across the Alabama River was already in operation;⁴⁷ a number of merchants had set up, or were building, rather commodious stores;⁴⁸ there were doubtless artisans, small tradesmen, several physicians, probably at least eight lawyers;⁴⁹ and two weekly newspapers had already begun publication.⁵⁰ Of course we surmise home-building was proceeding apace in the new community, but indications are that few of the pretentious mansions of the later period had yet been built.

⁴⁶Brantley, *Three Capitals*, 71.

⁴⁷*Ibid.*, 225 shows that the Commissioner's Court of Dallas County granted John Howard a license to keep a tavern, April, 1818, and at the same session established "rates for taverns."

⁴⁸Among earlier merchants whose firm names have been obtained from press notices, or other sources, were J. and I. Crocheron, later J. J. Crocheron, Henderson, Lowery and Company, Thos. H. Wiley and Co., and Trevis & McGimpsey.

⁴⁹Artisans included blacksmiths, carpenters, hostlers, hatters, etc.; the figures for physicians and lawyers is from the number for Dallas County, 1819, *Huntsville Republican*, March 2, 1821.

⁵⁰Jackson, *Story of Selma*, 9, reports the newspapers as the *Alabama Watchman* and the *Cahaba Press*. Probably the full title of the latter was *Cahawba Press and Alabama State Intelligencer*. See *Alabama, A Guide to the Deep South*, American Guide Series, (New York: Richard R. Smith, 1941), hereafter cited as *American Guide Series*.

The new Acting Governor, Thomas Bibb of Limestone County, a brother to William Wyatt Bibb, reported to the convened Assembly in November 1820 on the State House contract, and after considerable debate and reference to a Committee, the Crocherons were finally paid additional compensation for their work. This caused the State House, exclusive of the shutters, fence and furnishings, to cost \$13,500 instead of \$10,000 originally authorized.⁵¹ The 1820 session of the Assembly also created the Bank of the State of Alabama with a \$2,000,000.00 capital. By law the bank was located at Cahaba, subject to be removed from that place "whenever the Seat of Government shall be changed." Due to a failure of the public to subscribe the necessary capital, this first plan to put the state into the banking business failed,⁵² although later, at the regular session of the Assembly in 1823 the Bank of the State of Alabama was established, and it operated successfully from Cahaba until the Seat of Government was removed to Tuskaloosa.⁵³

At this same 1820 session a lottery was authorized by the Assembly for the purpose of raising a fund not in excess of \$20,000.00 for building and furnishing of the Masonic Hall of Halo Lodge in Cahaba.⁵⁴ The lottery must have been a success, for we are told the Masonic Hall was completed in time for General Lafayette's visit to Cahaba in 1825.⁵⁵ It probably was the most pretentious structure of early Cahaba, and was located at the south-west corner of Vine and 1st North Street. Years later following Cahaba's final decline, the brick and other materials from Halo Lodge were carted to Selma, and in one of history's mild ironies, were used in the construction of the Roman Catholic parish hall there about 1883.⁵⁶

⁵¹Brantley, *Three Capitals*, 82.

⁵²*Ibid.*, 80.

⁵³*Ibid.*, 130.

⁵⁴*Ibid.*, 81.

⁵⁵Thomas McAdory Owen, *Annals of Alabama, 1819-1900*, printed as supplement to Pickett, *History of Alabama*, 678.

⁵⁶Selma and Dallas County Sesquicentennial Committee, *150 Years, Selma and Dallas County* (Selma: Selma Printing Service, 1969), 8.

There was great and fierce acrimony between the two river basin factions in 1820 and 1821 over new reappointment of the Senate demanded by Acting Governor Bibb, but Cahaba supporters were able to frustrate these efforts in order to buy time.⁵⁷ One near contemporary account from a Montgomery newspaper acknowledges that Cahaba had in 1821, one thousand people, while early in the same year Montgomery's population was said to be "about 600."⁵⁸ Only Huntsville among the State's communities probably decidedly exceeded Cahaba in population and the urban amenities. Mobile by now was enjoying a renaissance, but was not much larger than the State capital. The only other communities in the State approaching Cahaba in size and importance were Tuscaloosa, Montgomery, Claiborne and Florence.⁵⁹ At a somewhat later period Selma and Demopolis might be added.

When Governor William Wyatt Bibb recommended to the Territorial Assembly at St. Stephens in November, 1818, the location of the capital at "the mouth of the Cahawba," he specifically stated that he had examined the location. In his message, he had reported, among other things " . . . The bluff on the west side of those rivers presents a beautiful scite, with springs of good water and the prospect of health."⁶⁰ Nothing but the usual health problems apparently confronted the growing community until the summers of 1821 and 1822. There had been heavy rains in the Spring of each of these years, " . . . with the rivers swollen in an unprecedented manner," and apparently in each of these successive years, there followed in July further heavy rains and consequent flooding. The town itself was probably not completely inundated by the waters, but as a consequence of the high waters in the area there was in each summer an out-break of what Dr. Jabez Heustiss, a Cahaba physician, has described as "the bilious remitting fever."

⁵⁷Brantley, *Three Capitals*, 83-88.

⁵⁸Thomas H. Clark, "Montgomery," *Northern Alabama Illustrated* (Chicago, 1888), 579, 584, hereafter cited as *Northern Alabama*.

⁵⁹*American Guide Series*, 47.

⁶⁰Brantley, *Three Capitals*, 32-35.

Although Dr. Heustiss connected the fevers with heat and moisture rather than with mosquitos, he concluded the sickness was the dread yellow fever. William H. Brantley tells us that many citizens left the town and remained away until frost.⁶¹

Governor William Wyatt Bibb in urging Cahaba's selection as the capital, after lauding its other attractions, remarked its situation "... on a river capable of being navigated by boats of great burthen"⁶² At that time only canoes and an occasional flat boat or keel boat had tested the great river's capability. Most Alabama historians leave the impression that the *Harriet*, in October, 1821, was the first steam-boat to navigate the Alabama up-river from Mobile.⁶³ She may indeed have been the first steam vessel to make the trip from Mobile to Montgomery and return, but Doy L. McCall of Monroeville has in his valuable collection a bill of lading date the 25th of day of May, 1820, which discloses that Bob Mattocks, Master of the Steam-boat *Tensas* took aboard at Claiborne "3 chairs" to be delivered at the port of Cahaba, "unto Sam'l Pickens." The freight bill was 75¢ per chair.⁶⁴ This evidence indicates rather clearly that Cahaba saw her first steam boat some seventeen months before the arrival of the *Harriet* at the foot of Arch Street, and the *Tensas* may thus have been the first steam vessel to navigate on the Alabama River. Certainly, the widely publicized trip of the *Harriet* from Mobile via Claiborne, Cahaba, and Selma to Montgomery, and her safe return down-river to Mobile, signalled the dawn of a new era in the fast-developing state.⁶⁵

⁶¹*Ibid.*, 89.

⁶²*Ibid.*, 34.

⁶³*Ibid.*, 89, and see Owen, *History of Alabama*, II, 1270; Moore, *History of Alabama*, I, 365.

⁶⁴Bert Neville, *A Glance at Old Cahawba* (Selma, Ala.: Selma Printing Service, 1961), where a reproduction of the bill of lading is set out; also, personally corroborated by Doy L. McCall with the author of this paper.

⁶⁵Moore, *History of Alabama*, I, 364-66.

Times were hard in the State and money was tight as the end of 1821 approached. Very little money was in the State Treasury, the new State had not yet established any credit, and the three private banks were weak, and had been mismanaged. Since these banks, particularly the one at Huntsville, were identified with the "Georgia faction," the voters rejected its candidate, Dr. Henry Chambers of Madison County, and elected Israel Pickens of Washington County as the new Governor. Pickens was sworn into office before both houses of the Assembly in the new State House on November 9, 1821. Although it later became clear that Pickens was against removal of the capital from Cahaba, "capital removal" had not been an issue in the campaign.⁶⁵

Economic conditions slowly improved in the State in 1822 and Cahaba was cheered during August by the arrival of two new steamers up from Mobile. A good cotton crop on the newly-cleared lands around Cahaba also proved encouraging, and Governor Pickens reported to the Assembly that "the Twenty lots advertised to be sold on the east side of the Alabama, within the limits of Cahawba, have been laid off and sold accordingly."⁶⁷

A notable achievement in Cahaba and State annals was the publication in 1822 of *The Alabama Justice of the Peace*, a text book and form book on Alabama law compiled by Henry Hitchcock, Esq., Attorney General. The law book consists of 495 pages and the fly-leaf announces proudly:

Cahawba: Published by William B. Allen and for sale at the Book-Store of Ginn & Curtis. 1822.⁶⁸

Judge Harry Toulmin's famous *Digest of the Laws of Alabama* was compiled in part by that eminent judge in Cahaba, and though printed in New York, was published at Cahaba, a year after Judge Toulmin's death in 1823.⁶⁹

⁶⁵Brantley, *Three Capitals*, 122.

⁶⁷*Ibid.*, 108, 111.

⁶⁸Hitchcock's compilation is in the personal library of B. V. Hain, Selma, Ala., attorney, and has been examined by the author. See also, Jackson, *Story of Selma*, 11.

⁶⁹Brantley, *Three Capitals*, 120.

During this period in the State's early history Cahaba was a frontier town sharing many of the crudities common to this brawling era. It was, however, a frontier town with a difference. It was the state capital, the focus of the political and of most of the social life of the entire state. Though an inland town, it had not only access to the world through increasing river traffic, but post roads and regular stages had begun to run not only to St. Stephens and thence westward to Natchez, but also to Claiborne, and to Tuskaloosa.⁷⁰ Moreover, the seemingly insatiable demand for American cotton from the mills of Lancashire and New England, plus the introduction of the improved Mexican variety of cotton, made it profitable to open up the rich bottom-lands and the rolling prairie near Cahaba for extensive cotton culture.⁷¹ Well-to-do planters with their slaves from the seaboard states settled on both sides of the Alabama and the Cahaba rivers, and Cahaba became their entrepot and market town. Here the mail came by stage and steamer, from here cotton was shipped, and here were located the warehouses, the merchants, slave traders, factors, and artisans, as well as the doctors, the lawyers, and the federal and state courts. Here were published at least two newspapers, here was the land office, here for a time was the State bank, here, or near here, were held the camp meetings and earliest religious services of the area, and, to and through Cahaba came many of the restless migrants bent upon making their fame and fortune in the old southwest.

To Cahaba also came America's most distinguished visitor of the period, General Lafayette. LeVasseur, who accompanied the General on his triumphal visit to the Southwest, reports on the voyage down-stream from Montgomery as follows:

. . . It is difficult to imagine anything more romantic than the elevated, gravelly and, often times wooded shores of the Alabama We stopped one day at Cahawba where the officers of the government of the State of Alabama, had

⁷⁰Owen, *History of Alabama*, II, 1136 ff.

⁷¹*American Guide Series*, 75-76; *The South in the Building of the Nation*, James C. Ballagh, ed. (Richmond: 1909) V, 203-209, *passim*.

in concert with the citizens, prepared entertainments for General Lafayette, as remarkable for their elegance and good taste, as touching by their cordiality and the feelings of which they were the expression. Among the guests with whom we sat down to dinner we found some countrymen whom political events had driven from France They now lived in a small town they had founded in Alabama to which they had given the name Gallopolis [Demopolis] I would judge they were not in a state of great prosperity. I believe their European prejudices and their inexperience in commerce and agriculture will prevent them from being formidable rivals of the Americans for a length of time.

Cahawba, the seat of government, is a flourishing town whose population, although as yet small, promises to increase rapidly from its admirable situation at the confluence of the Cahawba and Alabama

Separating fact from fiction is next to impossible in a matter so momentous as Lafayette's visit, but A. B. Moore reports:⁷²

Lafayette spent a week in Alabama and traveled five hundred miles within its borders. His presence appealed powerfully to the people's imagination. Some persons traveled two to four hundred miles to see him and to have a part in his entertainment, and everywhere by speech and deed the people exhibited tender emotions toward him. New-born babes were named for him, and distinguished speakers and hearers, . . . ordinarily dry-faced, wept like so many children. His sojourn was very stimulating to the people of the young State, calling to mind memories of the sacred past and giving them a keener appreciation of the importance of their new State. With not a regret the State spent more than \$17,000 upon his entertainment, and, besides, personal expenses were incurred by admiring and generous citizens. It was enough that he had come and that he had left his benediction upon their young State.⁷²

⁷²Lucille Griffith, *History of Alabama, 1540-1900 as Recorded in Diaries, Letters and Papers of the Times* (Northport, Ala.: Colonial Press, 1962), 162-164, being an excerpt from Auguste Levasseur's *Lafayette in America in 1824 and 1825 etc.*, (Phila., 1829), II, 75 ff.

As the General steamed down-stream towards Claiborne en route to Mobile and New Orleans, John J. Crocheron, in charge of arrangements for his reception at Cahaba,⁷⁴ no doubt heaved a sigh of relief but must have been pleased at the "pomp and circumstance" with which he had been entertained at Cahaba.

From the few extant newspapers published at Cahaba in her early period as well as from other written mementos, we can taste somewhat the flavor of life in this frontier capital.

The *Alabama Watchman* of February 23, 1821, contained the following:

Notice. All who feel interested in a Debating Society, for literary improvement, are requested to attend at Dr. Casey's office on Tuesday evening . . . at early candle light. . . .⁷⁵

Private tutors, education through parental instruction, or in what are commonly referred to as "old field schools," must have been all the town offered in her first year or two, but the Assembly had instructed the Governor to select and reserve one square for the use of an academy,⁷⁶ and it is possible this may have been done, and that an academy was actually established at Cahaba in the capital period. In any event Hatcher's Bluff Academy, a mile or more up river was being operated by J. S.

⁷³Moore, *History*, I, 155-156.

⁷⁴Brantley, *Three Capitals*, 152-153. It is reported that Crocheron arranged for the guns of all steamboats to be fired to announce Lafayette's approach to Selma and to Cahawba, triumphal arches with flags were erected, foot soldiers lined the General's route up the bluff, and Henry Hitchcock, Esq., the Attorney General, delivered the address of welcome at the foot of Second Street.

⁷⁵Jackson, *The Story of Selma*, 11, reprinted from *Alabama Watchman*, Cahawba, no precise date given. The "Dr. Casey" referred to was undoubtedly Dr. Thomas Casey, physician, planter, and Senator from Dallas County, 1819-1827. Owen, *History of Alabama*, III, 304.

⁷⁶Toulmin, *Digest*, 820, Sec. 3, being an Act passed by the Assembly, December 4, 1819.

Swift at least as early as 1823, and notices announce that "Boarding can be procured on moderate terms."⁷⁷ The girl's academy on Oak Street came in the post-capital period.⁷⁸

Church buildings, as such, were non-existent in Cahaba during this period but divine services were permitted by the Assembly in the State House. Repeatedly we find entries such as the following:

. . . Divine Services will be performed by the Rev. Mr. Herring in the State House, tomorrow, at the usual hour.⁷⁹

Rev. Thomas C. Stuart, on a missionary tour for the Presbyterian church, reportedly reached Cahaba in December 1819 and presumably as a result of his planning and effort the first Alabama Presbytery convened at Cahaba on March 1, 1821.⁸⁰

The Alabama Bible Society held its organizational meeting at Cahaba in 1823 and its proceedings were printed by William B. Allen & Company of Cahaba in 1823. The Society's *First Annual Report*, presented December 16, 1824, was printed by Atherton T. Penniman, Jun'r, at the Alabama State Gazette Office, Cahaba.⁸¹

One issue of the *Cahawba Press & Alabama State Intelligencer* of Saturday, September 27, 1823, discloses a notice by George Kreps that he has removed his store to Vine Street, adjoining the Post Office " . . . where he still continues to manufacture cabinet furniture of every description in the best and most fashionable style and on the most reasonable terms" J. S. Walker of Coosawda, Autauga County, offers a reward for a run-away slave, "Ned, an old offender and artful rascal about 30 years of age, 5 feet 6 or 8 inches high of a plausible address,

⁷⁷Jackson, *The Story of Selma*, 12, reprinted from *Cahawba Press and Alabama State Intelligencer*, December 23, 1823.

⁷⁸According to a marker now (1969) in place, the Girl's Academy was located on Lot 135, being at the northeast corner of Oak Street and First Street, South.

⁷⁹*Cahawba Gazette*, January 7, 1826.

⁸⁰From marker of Cahaba Memorial Commission now (1969) in place.

⁸¹Bert Neville, *A Glance at Old Cahawba*.

speaks drollingly and plays the fiddle . . .," while Leo Abercrombie of Dallas County advertises \$100.00 reward " . . . for the apprehension and delivery or confinement so that I can get, a large, likely, yellow negro fellow named SMITH" In the same issue, the Major of the Militia, Bernard Johnson, has published Battalion Orders of the Commanding Colonel " . . . to all officers and non-commissioned officers of the 22d Regiment, A. M. . . . to appear at the house of William Hendrick, Esq., on Friday, the 17th of October next at 10:00 o'clock A. M., armed and equip't as the law directs, for the purpose of drill."⁸² William Wooton of Bibb County gives the public fair warning in the following notice: "This is to forewarn all persons from trading with my wife Silvey Wooton as I do not mean to pay her contracts any more." F. Vaughan and Company of Cahaba, cotton merchants, invite the patronage of planters, while J. J. Crocheron, No. 6 Crocheron's Row, probably a cousin to the brothers who built the State House, advertizes a "Summer Supply," including in part,

- 60 bbls Orleans sugar
- 15 bbls loaf sugar
- 50 bbls old Rye Whiskey
- 7 bbls old Peach Brandy
- 6 bbls Northern Rum
- 1 bbl Superior Jamaica Rum
- 20 bbls of Orleans Molasses, as well as tea, coffee, salt,
beaver hats, wool hats
- 10 boxes sperm candles, 10 boxes mould candles
- 2 casks of cheese, ropes, nails and tobacco.⁸³

⁸²With certain specified exceptions, every free, white male from 16 to 50 served in the Militia, and the Militia law dated back to 1807 in the days of the Mississippi Territory. Owen, *History of Alabama*, II, 987. Considered vital to the defense of the frontier settlements from Indian attack, the Militia musters were also a great occasion for brawls and carousals. Moore quotes one observer as saying that the Militia Musters " . . . usually wound up in a general drunken brawl, in which officers and privates were inexplicably mixed." Moore, *History of Alabama*, I, 198.

⁸³*Cahawba Press and Alabama State Intelligencer*, September 27, 1823.

In the April 28, 1825, issues of the *Alabama State Gazette* we learn that "Thomas H. Wiley & Company of Cahawba have just received an assortment of shoes, hats, bonnets, gunpowder and blankets of superior quality . . . ," while John A. Cotton announces: "The celebrated Jack Tecumseh will spend the present season at the house of the subscriber two and one half miles from Cahawba, at the reduced price of eight dollars the season, twelve dollars to ensure a mare being with foal and five dollars the single visit Tecumseh is not inferior to any jack in the State in point of form and size—he is young, and a sure foal getter, a coal black."⁸⁴

The *Alabama Press and State Intelligencer* in its December 27, 1823, issue reports that David White had just given a dinner at Cahaba for the Governor, State officers, and members of the branches of the General Assembly, together with a number of citizens and strangers, in all, to the number of nearly 200 persons.⁸⁵ The proud host may have been expressing his gratitude to the Assembly for having recently chosen him as one of the twelve directors of the new State Bank.⁸⁶

Bert Neville's pamphlet *A Glance at Old Cahawba* contains a reproduction of a "Receipt" from the Eagle Tavern, Samuel B. Ewing, Proprietor. Dated May 14, 1825, and issued to W. R. Beck, it reflects Mr. Beck paid a dollar for lodging, (including probably supper and breakfast), 75¢ for care of his horse, and 12¢ or 14¢ on account of a bar bill. Total: \$1.87.⁸⁷

As already noticed, Cahaba's hot moist summer climate was thought to bring on the pestilence and fever and the town's doctors undobutedly advised their well-to-do patients to stay away from Cahaba until killing frost. This medical advice must

⁸⁴Cahawba *Alabama State Gazette*, April 28, 1825.

⁸⁵Jackson, *The Story of Selma*, 12-13.

⁸⁶Brantley, *Three Capitals*, 131.

⁸⁷The reproduction of the Eagle Tavern receipt is good, but the figures given are not completely legible. Mr. Neville's pamphlet acknowledges that the receipt was a possession of the late Arthur Lewis, Selma.

have been followed by many in those days for we find the *Alabama State Gazette* of April 28, 1825, carrying a stilted message by Thomas T. Walker from Shelby Mineral Springs, Shelby County, Alabama, in which he "... tenders his sincere thanks to his friends and the public in general for their liberal patronage and support for the two preceding seasons, and hopes it will be in his power to accomodate them the present season more agreeably to his wishes than heretofore." If any Cahabans visited Saratoga in those days, we have no record, but the Crocherons and E. M. Perine, who became tremendously wealthy "merchant princes" in the 1840s and 1850s "took the waters" with their families at Saratoga Springs, N. Y. during these later summers for a number of years.⁸⁸

By the mid-1820s steam-boat service both up and down-river had become routine and, except for an occasional disastrous fire or other mishap, was considered dependable. In the January 7, 1826 issue of the *Cahawba Gazette* under a regular column headed "River Memoranda," seven arrivals and departures of steam-boats are listed for the preceding week together with each vessel's name, each master's name and whether she were going "up" or going "down" river. By this time (in fact, ever since about 1823), the trip either up-river from Mobile or down-river to Mobile required only three to three and one half days, including a stop en route at Claiborne.⁸⁹

Two other news items from the same issue of the *Cahawba Gazette* of January, 1826, give us an insight into the economic development of Cahaba by this time. T. & G. Holt & Co. are advertising their "Superior Cotton Gins" and the public is advised that "... ten were sold last fall and winter at from \$200.00 to \$300.00, according to the size and quality." This ad concludes by informing that no customer has yet complained about the performance of these gins. Also, B. B. Breedin, "Sec'y" of the Mobile Jockey Club advertises the up-coming

⁸⁸Virginia Crocheron Gildersleeve, *Many a Good Crusade* (New York: McMillan Company, 1954), 6.

⁸⁹Brantley, *Three Capitals*, 122.

Mobile horse races, to last for four days in February with a top purse of \$500.00 for the three mile heats.⁶⁰ In a little more than two years later, the Selma Jockey Club was announcing its annual races to be held across river from Selma (and Cahaba) at the Selma Course.⁶¹

So much for the flavor of life and times of Old Cahaba when she was the first capital of Alabama.

By the time the Assembly convened at Cahaba for its fateful regular session of 1825, both houses had been duly re-apportioned on a population basis⁶². All sophisticated "public men" knew that without a miracle, the House would vote by a good margin against Cahaba. The hope for Cahaba lay in the Senate where the division between anti-Cahaba and pro-Cahaba Senators was very close. Concurrence of both houses was necessary in order to remove the capital, but the Governor had no veto power. The high drama of this session which convened November 21, 1825, has been graphically portrayed by Wm. H. Brantley.⁶³ Governor Pickens in his opening message to both houses tactfully but by clear implication came out against removal to Tuskaloosa. A Senate Committee under the Chairmanship of Senator Levin Powell of Tuskaloosa then made its report strongly recommending removal of the capital from Cahaba because "... Inundation of at least part of the town occurs almost annually" from both the Cahaba and the Alabama, and because of its unhealthful, low situation. The Committee did not recommend Tuskaloosa or any other site by name in its report but its indictment against Cahaba was forceful, even if in large part political.⁶⁴ After much maneuvering which involved disposing of an election contest for the Senatorial seat from Jefferson County, the pro-

⁶⁰*Cahauba Gazette*, January 7, 1826.

⁶¹Hardy, *Selma*, 13, which reprints an advertisement from the *Selma Courier*, November 21, 1828.

⁶²Brantley, *Three Capitals*, 140.

⁶³*Ibid.*, 157-190, *passim*.

⁶⁴The Seat of Government Committee's report is set out *in extenso* in Brantley, *Three Capitals*, 167-169.

Tuskaloosa candidate, John "Red" Brown was declared elected, while John Wood who had served the County in previous Assemblies since its creation had his claims of fraud in the Jefferson County election summarily shunted aside. John "Red" Brown upon being duly seated as the Senator from Jefferson proved to have the deciding vote, when on Tuesday, December 6, 1825, the Senate by a vote of 11-10 passed the bill ordering removal of the capital to Tuskaloosa.⁹⁵ Concurrence, after bitter parliamentary in-fighting was finally obtained in the House on a vote of 38 to 26 on Tuesday, December 13, 1825. The Act authorizing removal of the permanent capital to Tuskaloosa became effective February 1, 1826.⁹⁶

In Brantley's words,

The long battle was over. Not only had Cahawba lost but the whole Alabama River System section had failed in the effort to keep the seat of Government. The arguments of the losers that when the Indian titles to East Alabama should be cleared and the eastern section of the State occupied by settlers, it would be necessary to move the Seat of Government from the western location at Tuskaloosa to a more central point were ignored and pushed aside by the supporters of Tuskaloosa.⁹⁷

The Assembly's action now made Tuskaloosa the second "permanent" capital of the State. But how permanent is "permanent"? Almost twenty years to the day, later,⁹⁸ Tuscaloosa lost the capital to Montgomery, and the Alabama River basin won back its lost prize. William Wyatt Bibb, whose remains lie at Coosada,⁹⁸ across the Alabama river from Montgomery, would doubtless have been pleased to learn of Montgomery's and the Alabama basin's ultimate victory over Tuskaloosa and the combined forces of North and West Alabama.

⁹⁵*Ibid.*, 174.

⁹⁶*Ibid.*, 205.

⁹⁷*Ibid.*, 185.

⁹⁸January 28, 1846. Owen, *History of Alabama*, I, 204.

⁹⁹*Ibid.*, I, 397.

ALABAMA'S HILLIARD: A NATIONALISTIC REBEL OF THE OLD SOUTH

by

Carlton Jackson

Henry Hilliard's intellectual world was not too different from that of many Southerners today: He disagreed with prevailing moods. He was no fanatic on the slavery question, just as thinking people know today that many Southerners are not fanatics on the race problem. Hilliard was a Union man living in a place and time that supported separatism from the federal government. He was a Man of the Cloth who taught moderation to his hearers. He was a terrific orator, by all accounts, being complimented even by his adversaries for his speaking abilities. Hilliard was an ambassador, seeing duty in Belgium before the Civil War and in Brazil after the conflict. A member of the Whig party, he favored internal improvements, a central banking system, tariff protection, congressional dominance of government, and moderation on the slavery question. These were attributes that did not endear him to most of his fellow Alabamians.

Hilliard represented Whig thinking in the South. He was for several years a Congressman from Alabama's Second District, the largest city of which was Montgomery. Actually, there were always enough votes in Alabama to elect three Whigs instead of the usual two from the State's congressional allotment because of the peculiar geographical location of predominantly Whig counties. Gerrymanders and General Ticket Laws, though, reduced this number to two. Hilliard's Whig colleague was William J. Alston of the First District.

Though he was a follower of Henry Clay, Hilliard advocated the annexation of Texas. He returned from Belgium during the campaign of 1844, and as his first official duty, he visited outgoing President John Tyler whom he found much opposed to Clay's candidacy. Hilliard agreed with the President that Texas should be added to the Union, but he "would never

abandon the standard of a party so wise in its policy and patriotic in its tradition and its objects" as the Whigs.¹ A scant decade later Hilliard probably found these words ironic when he entered into a courtship with both the Democratic and the Know-Nothing parties. After visiting with Tyler for a time, Hilliard returned to Alabama and entered the campaign for Clay as President, and for himself as Representative. In endorsing Clay, Hilliard set himself at odds with a majority of Alabamians, who supported James K. Polk.

Hilliard was elected as Representative from the Second District of Alabama. In fulfilling his duties as Congressman, he seemed adept at making people either love him or hate him. There was, apparently, little middle ground upon which to judge him.

The Mexican War and the Oregon Question were the national issues that interested Hilliard while Polk was President. He opposed the war from its beginnings, because the "Mexicans were feeble people."² After the war started, Hilliard did not believe we should take any new territory as a result of victory. These ideas very definitely caused Hilliard to be treated with suspicion in Alabama and the South.

On Oregon, President Polk endorsed the Ingersoll Resolution by which the U.S.-British Convention of 1827 allowing for joint occupation would be annulled within a year. Hilliard, however, believed that the American claim to Oregon was authentic and clear. Thus, we should immediately assert our full rights in the territory. The Alabamian wanted to send a territorial governor to Oregon, a "sagacious, prudent, experienced, cautious man, who would be able to sweep the whole field with his eye, and give information and counsel to the government here as to what was doing and what ought to be done."³

¹Henry Hilliard, *Politics and Pen Pictures* (Atlanta, 1892), 116.

²Montgomery *Daily Journal*, February 3, 1849.

³Hilliard, *Politics and Pen Pictures*, 137.

After Hilliard's Oregon speech, his colleagues gathered round to congratulate him. One was the aged John Quincy Adams, who said: "I come to congratulate you, Sir; I think you have settled the question." The compliment was one the Alabamian's favored remembrances of a long career. Shortly after the speech, the Hilliard suggestions were acted upon by the Senate and the House. Upon their adoption, the President was in a more compromising mood than before. According to Hilliard, his speech was the opening move of the Oregon settlement at the 49th parallel.

By the presidential campaign of 1848, Hilliard was apparently enamored with the personalities of the Mexican War, even though he opposed the conflict. When the Whig convention met in Philadelphia in 1848, Hilliard led the Alabama delegation in supporting Zachary Taylor. The General's victory at Buena Vista turned him into a splendid presidential candidate. Clay knew this, and bemoaned his lack of a military background. Hilliard knew it as well, and surely it was his politics speaking when he said: "[Taylor] was a man of enlightened judgment. His self possession in the midst of danger, his keen foresight, his love of truth, his independence, his unselfishness, his modesty, these all proclaim him great."⁵ Taylor came close to capturing Alabama's vote in 1848. Lewis Cass received only an 881 vote majority, a fact, said the Whigs, that showed the "people are awake at last."⁶

During Taylor's presidency, slavery agitation was revived. Democrats blamed the troubles on Taylor's ineptness. Southerners were largely divided on what the best method would be to defeat the cause of the Northern abolitionists. On 23 December 1848 a caucus of 69 Southern Congressmen was held to agree on strategy in defending "Southern rights." From this caucus

⁴*Ibid.*, 143.

⁵*Ibid.*, 193.

⁶Tuscaloosa *Old Zack*, November 23, 1848.

came the celebrated "Southern Address," the chief author of which was John C. Calhoun of South Carolina.⁷

Only forty-eight Southern Congressmen signed the Southern Address, and only two of those were Whigs—both Mississippians. Hilliard agreed with his colleagues that the Address would probably increase sectional animosities that were acute to begin with. Therefore, he refused to sign. He was tormented mercilessly by the Alabama Democratic press for his failure to endorse the Southern Address. *The Daily State Guard* of Wetumpka was "pained" to see Hilliard's name missing. Hilliard should justify his actions, said the paper, or resign his position as Congressman.⁸

Northern influence, the Eufaula *Democrat* said, had reworked Hilliard so that he was neutral in defending the rights of the South. Hilliard had become too national, and he was in the position of constantly opposing those organizations working for Southern justice. The paper urged all voters to withhold their ballots from the Whigs in the next election.⁹

The voters apparently did not take the *Democrat* to heart, for the two usual Whigs were chosen for Congress in the elections of 1849. Nationally, the Whigs labored under a North-South split because of slavery, but this did not keep Hilliard from maintaining his seat. In Dale County, Alabama, the Southern Address figured prominently in the electioneering, the Whigs there refusing to accept the document. The Democrats took this refusal to reflect a growing "anti-Southernism" among Whigs in general. If this were not the cause, then Hilliard must be the villain, because his "views on slavery are unsound."¹⁰

The agitation stirred up by the Democrats toward Hilliard was shared by some Whigs. Several Whig groups faulted

⁷The Address touched on several matters, but lingered on the activities of the Underground Railroad and the sending of "incendiary" materials into the South. Henry H. Simms, *Life of R. M. T. Hunter* (Richmond, 1935), 65.

⁸Wetumpka *Daily State Guard*, February 8, 1849.

⁹Eufaula *Democrat*, July 19, 1849.

¹⁰*Ibid.*, April 17, 1849.

Hilliard for not supporting fully the Mexican War, and especially for not endorsing the Southern Address. This anti-Hilliard Whig sentiment was expressed in the person of James L. Pugh, who challenged Hilliard for the Whig nomination in the Second District. The Democrats greeted Pugh's candidacy with "unspeakable joy."¹¹ Their impression was that Hilliard loved the Union much more than he loved the South. Because of that feeling, many Whigs were deserting Hilliard, believing that Pugh could defeat him in a political contest.¹² This was mostly wishful thinking on the part of the Democrats.

Hilliard and Pugh debated each other several times during the contest. The Democrats believed that if Pugh were given an opportunity to be heard by all the Whigs in the Second District, he would win the "War of the Roses," and obtain the nomination.¹³ Hilliard, however, proved to be the more powerful of the two. He was probably never even in danger of losing the nomination to Pugh.

The fight for the nomination between Hilliard and Pugh and then Hilliard's contest against Democrat George Goldthwaite for the Congressional seat, set off a barrage of vilification from the Democratic press. Hilliard was condemned most harshly by the *Montgomery Advertiser*, the *Wetumpka State Guard*, and the *Eufaula Democrat*. Hilliard had once said that although he loved the South, he loved the Union even more and was determined to stand by it. For this, the *Guard* lampooned him cruelly and accused him of wanting one of the top paying jobs being handed out by the Taylor administration: "Feeble submission must be the course for the people after the Balaam of Montgomery has spoken. No more Southern meetings by Southern citizens must be held after this. It will not meet the approbation of Parson Hilliard should the Southern people kick up a dust and threaten a disunion of the Union."¹⁴ The *Guard* stated that Hilliard had changed most unfavorably during the

¹¹*Ibid.*, June 12, 1849.

¹²*Ibid.*, May 22, 1849.

¹³*Ibid.*, June 26, 1849.

¹⁴*Wetumpka State Guard*, March 3, 1849.

past few years. Formerly, "no policy of resistance could have been strong enough for him. But now, oh! he loves the South, but office a long shot better."

The Eufaula *Democrat* editorialized that Hilliard had helped in the past to "divide and render inefficient" the Southern members of Congress and had destroyed the harmony of public sentiment in Alabama and the South: "We will therefore, regard his reelection to Congress, as a public calamity."¹⁵ The paper urged all those who loved their country to aid in preserving it by keeping Hilliard in his place—at home.

In a confidential letter to Secretary of State John M. Clayton, Hilliard spoke of the opposition against him. The letter indicated that Calhoun's followers were attempting to turn the slavery agitation to their advantage. They fiercely assaulted Hilliard for his refusal to sign the Southern Address. Hilliard had visited three of the nine counties in his district, and despite the activities of the Calhounites, he looked forward to victory.¹⁶

The Montgomery *Advertiser* was more vituperative in blasting Hilliard than any of the other papers. In every issue of his paper, Editor J. J. Seibles took a fiendish delight in condemning the Congressman. Seibles derisively referred to Hilliard as "Jerry," because he resembled Jeremy Diddler, the main character of a comic play.

On the other hand, Hilliard's adpetness at getting votes was not overlooked by newspapers. Even the Democratic papers, to their sorrow, credited him with at least this one quality. The *Guard* explained how he did it. To get votes, one must understand human physiognomy and have the "very peculiar" gift of knowing exactly what the tastes and fancies of different men are. Hilliard, according to the paper, was a pastmaster at that. "Such for instance as when visiting the ladies, he displays very . . . fashionable finger rings, and has such a happy way of describing rubies and diamonds with a smile, that he never fails in completely overcoming every prejudice, and the fair one never hesitates in declaring herself a Hilliard man!"¹⁷

¹⁵Eufaula *Democrat*, July 10, 1849.

¹⁶Hilliard to John M. Clayton, April 12, 1849, Clayton Papers (Library of Congress, Washington, D. C.).

¹⁷Wetumpka *State Guard*, May 9, 1849.

The Congress elected in 1849, the Thirty-first, produced scenes of great temperament. It took the House from 3 December to 22 December 1849 to organize. In trying to elect a Speaker, 63 ballots were held: so many that one member suggested that the Speaker be chosen by lot.¹⁸ The Speakership contest was primarily between Howell Cobb of Georgia and Robert C. Winthrop of Massachusetts. It reflected the larger issue of slavery agitation, and it had grave forebodings for the days ahead. It was, in a way, a rehearsal for the "big show" that would begin in another decade.

Hilliard believed that a Speaker should be chosen who would be friendly to the Administration. Therefore, he voted early in the balloting for Winthrop. Sure enough, this action brought out the editorial guns of the *Montgomery Advertiser*. Editor Seibles began his broadside: "Henry W. Hilliard, the member from the second Congressional district of the State of Alabama, who promised during the canvass last summer, that he would go as far as the farthest upon the subject of slavery, and was even a better Southern man than his opponent, is NOW VOTING FOR THE FREE-SOILIST, ROBERT C. WINTHROP, for speaker of the House, in Congress."¹⁹ Hilliard was guilty of treason, said the paper. Winthrop's career in Congress had been "minutely" examined by the *Advertiser*, and in no case had he ever failed to support the cause of the abolitionists and Free-Soilers. Never had Winthrop voted in favor of the South on any question whatever. "And yet," lamented the editor, "here is a Southern representative supporting him. People of the Second Congressional District! do you approve of Mr. Hilliard's vote for Mr. Winthrop?"

Hilliard told Nathan Appleton that he would rejoice in Winthrop's election as Speaker. However, Hilliard said he was restricted by a caucus of Southern Whigs at which Toombs of Georgia presented a resolution condemning the Wilmot Proviso. Therefore, Hilliard had to "sanction the course of the caucus in regard to that dangerous question. I say to you, however, that it

¹⁸Thomas Hart Benton, *Abridgements of the Debates of Congress* (New York, 1861), XVI, 359.

¹⁹*Montgomery Advertiser*, December 26, 1849.

is my purpose to vote for Mr. Winthrop whenever I perceive that my vote can be of any service to him.”²⁰ Hilliard promised a full publication of his actions after the Speaker contest was over. Appleton agreed that Hilliard was required to withhold some of his votes from Winthrop, and regretted the Toombs resolution in the Whig caucus as “ill timed and to a certain degree improper. When the object is to vote upon a person for office it is inexpedient to introduce a test for the party on matters of opinion upon which there is known to be a diversity of sentiment.”²¹

It was in the unorganized House of Representatives that Hilliard made one of his most important speeches. He began by asserting what everybody already knew: “The union of these states is in great peril.” This situation had arisen, said he, because of the “utter oblivion” by the non-slaveholding states to the “feeling and purpose of the . . . Southern . . . Confederacy . . .”²² Thus, it was apparent that Hilliard could sound just as Democratic as the next man.

The people who comprehend their rights would, under the pressure of great necessity, break off an alliance, “which employs the machinery of a common government against them, without pausing to cast up its values.” The Wilmot Proviso had not a single principle to support it: “It rests neither on generosity, justice, or constitution.” He asked to be spared the necessity of choosing between submission to “unjust and degrading encroachments on our rights, or a disruption of the ties which bind us together.” He reminded the North that its policy was aggressive, and the South’s defensive. All the territories won by the Mexican War should be for the use of the South as well as of the North. In conclusion, Hilliard said:

“I have been charged with being too national—with cherishing so profound an attachment to the Union that I was ready to

²⁰Hilliard to Nathan Appleton, December 4, 1849, Appleton Papers (Massachusetts Historical Society, Boston).

²¹Appleton to Hilliard, December 22, 1849, Appleton Papers.

²²Tuskegee *Macon Republican*, January 3, 1850.

surrender the rights of the South to save it. I do not regret a single exertion which I have made in behalf of the Union. If I can now do anything towards averting impending calamities, I shall gladly do it."

This was a forthright speech, one that displayed inconsistency, according to the *Montgomery Advertiser*. The remark by Hilliard about the "threatened encroachments" on the rights of the Southern states was ridiculed by the partisan paper. It said that "poor Jerry" was now between the "Hawk and the Buzzard, trying to keep in with the administration by standing up to Winthrop, and at the same time, to please his constituents at home by a little bold talk in the House."²³ Hilliard had apparently asked the Washington reporter to give no extended reports of his remarks that evening, and the *Advertiser* used the request as further evidence that the Second District Congressman was trying to play the North and South against each other. The paper felt it would have been manly of Hilliard to consult his constituents before becoming so bold as to give a speech.

As the balloting continued in the House with no results, Hilliard concluded that further voting for Winthrop was useless. The importance of organizing the House was uppermost in Hilliard's mind, so for a time he switched his votes to Cobb and to others who appeared as if they might be elected. Before the balloting ended, however, Hilliard switched his votes back to Winthrop. This "backsliding" caused Hilliard again to feel the wrath of his hometown newspaper.

"It seems 'Jerry' (Mr. Hilliard) came to the rescue of his Free-Soil friend, Winthrop, at last; notwithstanding his alarm about the doings of the Free Soilers and the safety of the Union . . . and the determination of the South to resist, in the event of the success of the Free Soilers, as declared in his recent speech in the House." It would be difficult for Hilliard to explain his votes and "tergiversations" during the Speaker contest.²⁴

²³*Montgomery Advertiser*, December 26, 1849.

²⁴*Ibid.*, January 2, 1850.

A resolution was finally passed by the House making it possible for the candidate receiving a plurality to be elected as Speaker. On 22 December 1849, Howell Cobb was chosen on the 63rd ballot. He had a two vote plurality over Winthrop. Early in the new Congress, tribulations were forecast when the Whigs met in caucus. Hilliard, along with Alexander Stephens and Robert Toombs, asked their Northern colleagues to oppose the Wilmot Proviso. The Northerners flatly refused, causing Stephens to remark that he would "hold no connection with a party that did not disconnect itself from these aggressive abolition movements."²⁵

Many a congressional career climaxed during the compromise debates of 1850. Hilliard's was no exception. He eulogized Clay for his compromise measures: "Never had his statesmanship at any period of his life shone with greater splendor than when he sat down to prepare a series of measures which he hoped would restore tranquility to the country."²⁶ Hilliard's praise, however, did not necessarily mean unconditional acceptance. In January, 1850, he solemnly announced that any tampering with slavery as an institution in the compromise measures would win his disfavor.

Throughout the first half of 1850 the country pulsed with the excitement of the great debate. The Wilmot Proviso, Texas, New Mexico, Fugitive Slave Laws, and California were discussed penetratingly. In the reporting of all these events, a strange incident occurred: Hilliard managed to get a word of kindness from the *Montgomery Advertiser*! Northerners had objected to the strong stand of Hilliard's on the slavery issue, and the *Advertiser* defended the Alabamian from their attacks. True, it said, Hilliard should have changed his mind some twelve to eighteen months earlier, but "better late than never."²⁷

²⁵Rudolph von Abele, *Alexander H. Stephens*, (New York, 1946), 121.

²⁶Hilliard, *Politics and Pen Pictures*, 216.

²⁷*Montgomery Advertiser*, March 13, 1850.

It is entirely likely that Seibles had not seen Hilliard's letter to the *National Intelligencer*, printed in the *Alabama Journal*, the leading Whig paper in the state the day before the *Advertiser* editorial. The letter said, among other things, that "... if there be within the U. S a class of [those] who aim or desire to break up the Union which embraces the American State, I wish it to be understood that I do not belong to that class."²⁸ His object was, and had always been, the preservation of the Union. He expressed the hope that surely there was enough patriotism left on both sides of the quarrel to save the Union. Undoubtedly, the *Advertiser* would have written a new theme on "submission" if its editorial department had read Hilliard's letter carefully.

In the midst of the compromise debates came the Nashville Convention, causing yet another round of acrimony between the moderates and the fire-eaters on the slavery question. A Mississippi gathering had begun the process by which Southern legislatures were invited to send delegates to a meeting to plot strategy against Northern initiatives. The proposed convention might turn into a revolutionary body, thought several people, mostly Whigs. This belief was intensified when Robert Barnwell Rhett of South Carolina and William L. Yancey of Alabama began passing out pamphlets to citizens that said a North-South conflict was inevitable.

Hilliard, always typical of Southern Whig thought, wrote: "As to the Nashville Convention, my opinion as things now stand, is against it. I adhere to the position . . . that no Convention ought to be held in *advance* of some act of aggression on the part of the government." He contended that the Legislatures of the Southern states should have made provisions for conventions in the event of unfavorable legislation being passed in the national

²⁸Washington *National Intelligencer*, quoted in *Montgomery Alabama Journal*, March 12, 1850.

Congress.²⁹ Hilliard also questioned the right of the Alabama Legislature to appoint delegates to the convention.³⁰

The major work of the Nashville Convention was a document called "The Address to the Southern People," authored chiefly by Rhett. It reviewed Northern "aggressions" and noted that section's increasing hostility to slavery. The "Address" singled out each of Clay's compromise measures and said they would be unfair to the South. After the "Address" was adopted, the convention broke up, and the delegates went home to organize local ratification meetings. Yancey took the lead in Alabama. He whipped up his "ultra" faction, and demanded impossible things—designed perhaps to make disunion inevitable. Even Hilliard was affected by the contagion of Yancey's plea for disunion. He announced that he favored "staking everything upon a single field" in the event the slavery agitation continued to work against the South. "We shall never be in a better condition for contesting our rights than we are now."³¹

But in Washington the compromise measures began to pass Congress. Each of the bills was assured of passage after Taylor's death in July and the ascendancy of Millard Fillmore to the presidency. By the end of September, Congress had approved each of the recommendations made by the committee headed by Senator Henry Foote of Mississippi. To the Southern interpretation, the Compromise did these things: First, it applied the Wilmot Proviso to California and New Mexico. Second, it gave protection to the South in the form of a new Fugitive Slave

²⁹Lewy Dorman, *Party Politics in Alabama from 1850 Through 1860* (Wetumpka, Ala., 1935), 44. Italics Hilliard's.

³⁰Of the thirty-six delegates appointed from Alabama to the convention, twenty-one attended. Of that number, fourteen were Democrats and seven were Whigs. Dorman, *Party Politics*, 44. The position of the politicians on the Nashville Convention was highly uncertain—so uncertain by the middle of May that "delegates were being asked to make known publicly whether they intended to go to Nashville or not." Avery O. Craven, *The Coming of the Civil War*, (New York, 1942), 263.

³¹Toccoa Cozart, "Henry W. Hilliard," in *Publications of the Alabama Historical Society, Transactions, 1899-1903*, IV, 284.

Law. Third, it eliminated a slave market for thousands of Southerners.

The Alabama delegation was divided in its sentiments on the Compromise. In the House, Hilliard and his Whig colleague Alston, favored it. They noted its disagreeable features, but they felt it would save the Union. Southerners fell into three different categories on the Compromise: "Submissionists," who favored the Compromise; those who wanted immediate secession; and those who advocated gradual secession. By and large, the Democratic Party in the South favored secession in one form or another, while the Whigs continued to plead for moderation. Throughout the remaining months of 1850 and on into the new year, the country seethed under the burden of dissension. Both supporters and opponents of the Compromise hurried home after Congress adjourned to speak on the matter.

Hilliard rushed to Montgomery where he received a warm welcome from friends. Two new political parties greeted him: The Union Party *pro* Compromise, and the Southern Rights Party, *anti* Compromise. He could write to President Fillmore, however, that the situation was not as critical as he had first imagined it to be. "This place is you know the center of operations for the South Carolina school of politicians and it has actually been fixed on by the South Carolina Legislature as the seat of the Southern Congress, which that State wishes to assemble." Hilliard mentioned a Union meeting he attended, and was glad to report to the Chief Executive that the President was held in "high esteem by most Alabamians."³²

Although Hilliard was not a candidate for Congress in 1851 (he wished to return to his law practice in Montgomery), he did take the field on behalf of James Abercrombie, a supporter of the Georgia Platform.³³ Yancey did not run for Congress either,

³²Hilliard to Millard Fillmore, March 20, 1851, Fillmore Papers (Library of Congress, Washington, D. C.).

³³This platform was adopted by Georgia Whigs and Union Democrats at Milledgeville in December, 1850. Though pro-slavery in tone, the Georgia Platform supported fully the Compromise. In short, the Platform put the Union on "probation," to see how well Northerners would live up to their end of the bargain. Craven, *Coming of the Civil War*, 265-66.

but he campaigned widely for the Democratic candidate. The State's Democratic papers challenged Hilliard to debate Yancey on the leading issues of the day. The Hilliard-Yancey debates provided some of the liveliest political discussions in Southern history.

The essential argument used by Hilliard throughout the campaign was that the South must oppose the North upon a premise other than threatening secession.³⁴ He adopted the Webster thesis that there can be no such thing as the right to secede, but there was a right to a redress of grievances.³⁵ Therefore, only constitutional means should be employed by the South in getting what it wanted.

The first meeting of Hilliard and Yancey was at Union Springs, forty-five miles southeast of Montgomery. Yancey's main argument at the meeting was that the South must be represented by men who would go to the last extreme. The compromise measures would not succeed, he claimed, because they did not deal justly with the South, and had a great amount of opposition against them from the North. The South, therefore, should hold itself in readiness for a withdrawal from the Union. Hilliard countered these points by saying that slavery would be protected by the Compromise. He said the South had lost nothing by the Compromise so it must assert its rights within the Union, not without. The South should "recognize the general government to the extent of its constitutional limits, . . . asserting rights under its protection, [not] attempt [ing] to subvert the Union."³⁶

By the time Hilliard and Yancey debated each other in Eufaula, it was necessary to provide separate platforms for them, so intense had become their arguments. At the Eufaula debate Hilliard pointed out that Yancey had voted for the Oregon

³⁴Dorman, *Party Politics*, 56.

³⁵A. C. Cole, *The Whig Party in the South* (Washington D. C., 1913), 17-18.

³⁶Hilliard, *Politics and Pen Pictures*, 252.

Bill which had excluded slavery in that territory. "This [statement by Hilliard] aroused Mr. Yancey to an extreme degree." In addition to swapping verbal insults over Oregon, the two combatants argued on the feasibility of reopening the African slave trade. Yancey favored such an action, but Hilliard steadfastly opposed it. An eyewitness of the scenes reported that "most of the people of that day were on the side of Hilliard. It was a very heated debate, one that caused a lot of publicity from the newspapers."³⁷

To indicate the intensity of the quarrel between Hilliard and Yancey, they were still going at each other as late as 1858. At a commercial convention in Montgomery on May 10 of that year, the last of such meetings ever held in the South, Hilliard delivered a short address. He stressed that the "highest statesmanship was demanded . . . to guide the deliberation of the Southern people"³⁸ The whole civilized world was opposed to slavery, he exclaimed somewhat poignantly, but the South was protected by the Constitution. He went on to condemn sectional antagonisms, and those who promoted them. After Hilliard spoke, Yancey wanted to know if Hilliard's remarks were meant for him. Hilliard replied that there were "too many distinguished gentlemen [present] for Yancey to be singled out" for special attention.³⁹

Hilliard's man, Abercrombie, won the election, symbolizing a general Southern support of the Georgia Platform which took "a wait and see" policy on the Compromise. Abercrombie's victory showed, too, that "secession" was still mostly an abstract principle, "rather than a policy to be put into practice."⁴⁰

³⁷Benjamin Gardner, "Recollections of Henry W. Hilliard" (unpublished ms, Alabama Department of Archives and History, Montgomery).

³⁸Hilliard, *Politics and Pen Pictures*, 256. Also William W. Davis, "Ante-Bellum Southern Commercial Conventions," *Transactions of the Alabama Historical Society*, 1904, V, 85-88.

³⁹Hilliard, *Politics and Pen Pictures*, 257.

⁴⁰Dorman, *Party Politics*, 62. Also, Cole, *Whig Party*, 194.

Shortly after the Congressional election, Hilliard became embroiled again in state politics. Some Democrats claimed that Hilliard would challenge Jeremiah Clemens in the selection of a Senator when the Legislature met. The Whigs scoffed at the claim as a Democratic attempt to "sow the seeds of discord" to belittle the brilliance of the recent Whig and Union victory. The rumors did not materialize because even many old line Whigs supported Clemens' candidacy. He was a "Democrat of the Jackson class," said one Whig newspaper.¹¹ Therefore, his re-election was "heartily deserved." Strange words indeed for a practicing Whig!

It was only for a few months that Hilliard could give exclusive attention to his law practice. The election of 1852 found him as interested in politics as ever. The Southern Whigs were for Millard Fillmore. Hilliard believed that the entire Southern Whig organization would support Fillmore at the national nominating convention.¹²

Hilliard noted that the Democratic party in Alabama was attempting to reorganize, largely because it had been so decisively defeated in the elections of 1851; thus, he also urged a reorganization of the Whigs in spite of some recalcitrant factions. He spoke of plans by some Whigs to send delegates to a Union gathering and to shun the Baltimore Whig convention planned for June. He believed their efforts would be futile: "I have no expectation of seeing a Union National Convention—both candidates, Whig and Democratic, will be Union men, and our electors must choose between them. It is probable we can carry Alabama for the Whig candidate as a Union man, if a judicious selection shall be made, as there is some dissention in the Democratic ranks."

Despite the popularity of Fillmore among the Southern Whigs, the name of Winfield Scott was heard a great deal in Whig circles. The feeling by many Whigs that Scott was an

¹¹Livingston *Sumter County Whig*, August 25, 1851.

¹²Hilliard to Fillmore, January 26, 1852, Fillmore Papers.

abolitionist and would not support the Compromise was branded as a "want of candor that is without parallel, or it betrays a want of reason that amounts to foolery."⁴³ From the middle of May to the Baltimore convention in June, Scott's name was mentioned quite frequently in the South as a favorable candidate for the Whig Party. Most Whigs, however, remained true to Fillmore and continued their fight on his behalf.

The Southern Whigs were apparently united in their efforts to get a national Whig program favorable to the South. They stated that before they would support the National Whig Party in the election, a nominee must be selected who was a Union man. This person must "avow himself boldly and openly" as the friend and "staunch advocate of the compromise as a final settlement of all the questions connected with slavery."⁴⁴ If these guarantees were not given, the Southern Whigs promised a hasty withdrawal from the party.

Hilliard credited himself with turning the tide in favor of having the Southern Whigs represented at Baltimore. He wrote to Fillmore that "we shall be represented in the Whig convention and the entire delegation will cast their votes for you, as the candidate for the Presidency."⁴⁵

At last the national Whig convention met at Baltimore on June 16, 1852. As anticipated, a spirited fight occurred among the contenders for the nomination. Fillmore and Scott were the leading contestants, but Daniel Webster was not to be left out of consideration entirely. Webster, who had long wanted the nomination, appealed to Hilliard to work on his behalf.⁴⁶ Hilliard, however, declined even to attend the convention, saying that he had important legal business to attend to before the

⁴³Livingston *Sumter County Whig*, May 11, 1852.

⁴⁴Cole, *Whig Party*, 227.

⁴⁵Hilliard to Fillmore, June 1, 1852, Fillmore Papers.

⁴⁶Allan Nevins, *Ordeal of the Union: A House Dividing, 1852-1857* (New York, 1947), II, 23.

State Supreme Court. He shared the fear of his Southern colleagues that the Northern wing of the Whig Party would dominate the convention.⁴⁷

Scott's nomination at the Baltimore convention made it impossible for the Northern and Southern Whigs ever to join wholeheartedly again. Scott was considered in many Southern circles as a "Seward lackey," who cared nothing about the Whig platform.⁴⁸ Though the Whigs worked as if Scott were going to defeat Pierce in the presidential race, the party leaders generally realized that the death of the organization was near at hand. This fear was pronounced when such leaders as Alexander H. Stephens of Georgia, and others, said they were "anxious to prevent its [the Whig Party's] followers from being swallowed by the Democracy."⁴⁹

Hilliard penned another letter to Fillmore in which he assured the outgoing President that he was still the first choice of Southern Whiggery. Hilliard also stated that Webster was the second choice of the South, and he was gratified that Alabama had supported Fillmore in the Baltimore convention. He pronounced Fillmore's administration a "historical glory to which we may turn hereafter with grand satisfaction, as a positive of Whig policy—and fidelity."⁵⁰ Hilliard said further that Pierce's nomination by the Democrats was a great source of dissatisfaction to the Alabamians and Southerners who supported Buchanan for that honor. Pierce's nomination, however, had given some heart to the Whigs, because Hilliard believed Fillmore could beat him. When Scott got the honors from the Whigs, all hope was lost.

From Pierce's presidency on, Hilliard was a "drifter" in politics. He practiced law in Montgomery, and kept up a

⁴⁷Dorman, *Party Politics*, 77.

⁴⁸Horace Montgomery, "Party Developments in Georgia, 1846-1861" (unpublished Ph. D. dissertation, Dept. of History, University of Georgia, 1939), 93-4.

⁴⁹*Ibid.*, 124.

⁵⁰Hilliard to Fillmore, June 23, 1852, Fillmore Papers.

nationalistic approach to his correspondents. His old party had indeed fallen on evil times. Nationally, it had few platforms and leaders of wide appeal. Locally, it fell victim to a redistricting law which "had the earmarks of a gerrymander."⁵¹ Under this law Montgomery, always a strong-hold of Whiggery as seen by the successes of Hilliard and Abercrombie, was moved, along with Wetumpka and Talladega, into the Third Congressional District. This neutralized the Whig position, formerly so strong, in Montgomery. Thus, even if Hilliard had wanted to get back into active politics, his chances would have been slim. He therefore spent most of his time as a commentator on politics rather than as a participant.

He believed, for example, that the *de facto* repeal of the Missouri Compromise Line in the 1854 Kansas-Nebraska Act was impolitic. He said that it was "impossible to overstate the excitement, rising into indignation that was aroused in the non-slaveholding states by the repeal of the Missouri Compromise Act. It was the breaking down of the great barrier, against which sectional feeling and party passion had so long beat in vain."⁵² His statement in this respect showed that he could still differ widely with the opinions of his contemporaries.

One result of the Kansas-Nebraska Act was to give potency to the Free-Soil movement, which produced in a matter of months the Republican Party. "For the first time in the history of the country a powerful party appeared in the field, declaring its hostility to an institution existing in the Southern states, which was so formidable as to threaten the existence of the government." Hilliard saw it as his clear duty to fight the newly formed Republicans.

Toward that end, he joined the American Party efforts in 1856 on behalf of Fillmore. He went on an extended speaking tour throughout Northern Alabama and Georgia. He debated the political issues in Huntsville with L. P. Walker. According

⁵¹Dorman, *Party Politics*, 98.

⁵²Hilliard, *Politics and Pen Pictures*, 267.

to Hilliard, Walker became quite vociferous in his denunciations of the American Party. Hilliard's speech in Huntsville was "entirely national." He stated that "on no occasion of my life had I been more conscious of that spirit of free speech which every man has felt who has been in the habit of addressing great audiences"⁵³

After the Huntsville speaking, Hilliard traveled to Atlanta where he met the Temperance candidate for governor, B. H. Overby. The Atlanta meeting was described by Hilliard as "great, awakening an ardor in the support of Mr. Fillmore as a candidate for the presidency that had not existed before."⁵⁴ Hilliard and his followers argued that Fillmore should be elected because he was the faithful champion of the laws of Congress; he possessed a devoted attachment to the Union; he was the enemy to all sectional schemes and organizations, and he believed in a strict adherence to the Federal Constitution. Taking all this into account, and adding the fact that President Pierce did not have the confidence of the Northern people, should indicate that Fillmore was the man of the day.⁵⁵

Fillmore's defeat and the rapid rise of the Republicans was the swansong of the Know-Nothings. The extent to which Know-Nothingism was weakened is indicated by Hilliard's leaning toward the Democratic Party just after the contest. He wrote later to a friend that he was the only Whig who voted for the Democratic tariff of 1846—clearly indicating "strong sympathy on my part with the policy of that party—cooperating henceforth fully with its members."⁵⁶ Just after Buchanan's assumption of office, Hilliard announced that he would support the Democrats on the basis of the President's inaugural address. He wrote to Buchanan that his political sentiments were in "perfect harmony" with those of the President. Seemingly for-

⁵³*Ibid.*, 273.

⁵⁴*Ibid.*, 275.

⁵⁵Livingston *Sumter County Whig*, March 19, 1856.

⁵⁶Hilliard to D. L. Dalton, January 14, 1859, Hilliard Papers (Alabama Department of Archives and History, Montgomery).

getting his support of Fillmore in the presidential campaign, Hilliard told Buchanan: "In this State and in Georgia I have taken an active part in the late election and contributed what I could to the success of that great National party of which you are the head—and to which you will I hope long hold that relation."⁵⁷

Hilliard kept the President informed of the political attitudes in the South during most of the Administration. He forwarded to the President an outline of a short speech he delivered before a convention in Montgomery, meeting to unite the party behind Buchanan. He also described the Southern Commercial Convention which met in May, 1858, in Montgomery. At that meeting Yancey and Hilliard argued about the re-opening of the African slave trade. Hilliard believed there were enough slaves in the South already. The convention, he told the President, was "wild and extravagant."⁵⁸ Disunion sentiment prevailed there; the disunionists being quite as reckless in their talk as the "Black Republicans" they assailed. It was imperative, he felt, for Buchanan to announce for re-election in 1860, for he was the only man who could arrest the disunion sentiment on the one hand and the "Black Republican" sentiment on the other.

Even though Hilliard's connection with the Democrats was close, he never claimed full membership in the party. Indeed, later in life, Hilliard said that his support of the Buchanan Administration was the "greatest mistake" of his life.⁵⁹ This last statement might well have been inspired in part because Hilliard always wanted an appointment from Buchanan, and did not get one.

When the secession crisis occurred in late 1860, Hilliard opposed leaving the Union. He still believed the South could get its grievances redressed better in the Union than out of it.

⁵⁷Hilliard to James Buchanan, Nov. 6, 1857, Buchanan Papers (Historical Society of Pennsylvania, Philadelphia).

⁵⁸*Ibid.*, May 20, 1858.

⁵⁹Gardner, "Recollections of Henry W. Hilliard," 11.

When secession became a reality, though, he supported the Confederacy. He is sometimes credited with causing Tennessee to join the Confederacy. Soon after secession, Hilliard traveled to Nashville and addressed the State Legislature. Shortly after his speech, Tennessee voted to leave the Union. During the war, Hilliard headed "Hilliard's Legion" for a time, leaving before the conflict ended because of various disputes. His relation to the war at its beginning put him into the company, on a lesser scale to be sure, of Alexander Stephens and Robert E. Lee who, though opposing secession, devoted their energies to the South once war started. His action of leaving the war before its conclusion caused additional criticisms to be leveled at the former Congressman.

Hilliard moved to Georgia, and he caused eyebrows to shoot up again when he remarried after being a widower for less than a year. President Rutherford Hayes appointed Hilliard as Ambassador to Brazil. In this capacity he urged Southern *émigrés* to return to the United States, telling them that they could lead a full life under the restored Union. Hilliard also helped to write various documents in Brazil that ultimately led to the emancipation of all the slaves in that country. It was ironic indeed for a Southerner to help in producing emancipation proclamations! It could be argued, though, that as a Southerner, he had plenty of experience with the problem.

A full study of Hilliard's life is overdue. His career lends itself both to the historical monograph and historical novel. His moderation on most occasions is worthy of emulation in any period. His refusal to follow a mere line of expediency (with the exception of his flirtation with the Buchanan Administration) showed deep-seated character. He paid a price for holding to his own opinions. He was villified and scandalized by those who believed that *any* expression of calmness on the sectional issues of the day betokened a truckling to the Yankees.

Perhaps, though, Hilliard was successful *because* he stood alone on so many issues. Americans have always been quick to "symbolize" men and institutions. Hilliard was a symbol of non-conformity in an age that rejected half-way measures: one

either had to condemn or fully accept the "Southern way of life." The middle road was dangerous. Hilliard took it and the scorn heaped upon him because of it he wore like a badge of honor. In our own time, when we look for heroes to show us how to rise above deadening conformism, Hilliard's name should definitely be included in the syllabus.

BENJAMIN HAWKINS' TRIP THROUGH ALABAMA, 1796

by

Marion R. Hemperley

For many years the exact route that Colonel Benjamin Hawkins used to cross northern Georgia and central Alabama in the fall and winter of 1796 has remained somewhat a mystery. On his way to commence his duties as the General Superintendent of all Indians South of the Ohio, he left one of the earliest and best descriptions of the route he traversed. Leaving northwest South Carolina, Hawkins crossed northern Georgia and visited the major towns of the Creek Nation in today's central Alabama.

The portion of Colonel Hawkins' writings annotated in this article was published as the *Collections of the Georgia Historical Society*, Vol. IX. Letters of Benjamin Hawkins, 1796-1806, published in Savannah, Georgia, 1916. This paper includes pages thirty-two through fifty-one, giving a very good description of the Creek Nation that later became east-central Alabama. This part of Hawkins' trip covered the period December 11 through December 31, 1796.

For those readers interested in that part of Hawkins' trip in which he traveled across northern Georgia, and which immediately preceeds this article, a similar sketch has been prepared by the author. This has been accepted for publication in the *Georgia Historical Quarterly* in which it will appear in the near future.

With the published book of Colonel Hawkins' writings and modern topographical maps, the author, with the cooperation of the late Dr. John H. Goff, has traced the network of Indian trails used by the Indian agent. Dr. Goff and the author made several field trips to locate abandoned portions of these trails, which, in many cases, they were able to do. These two articles are the result of these studies and field trips.

Colonel Hawkins was a well-educated man, having attended Princeton University prior to the American Revolution. As the reader will note, he compiled a well-written diary, sometimes hour by hour, that allows present day historians and students to follow his travels throughout the southeast. Hawkins computed his distances by timing himself from place to place. He estimated his horse traveled three to three and one-half miles per hour, and even today his method proves amazingly accurate.

Hawkins' writings have been reproduced here exactly as they were published in 1916, with no corrections in spelling or punctuation. The reader should bear in mind that after crossing the Indian boundary in present north-western South Carolina, Hawkins traveled through Indian country all the way through Georgia and Alabama. The larger streams, some Indian towns, and a few geographical features bore the only place names on his entire trip. In this annotation, the author has applied the present day names as far as possible to the many places mentioned by Hawkins. In the case of the few names that have remained the same, the author has so stated.

Hillabees in the Creeks, 12 Dec., 1796

I this day sat out for the Tuckabatchees in company with Mr. Grierson,¹ at 12. We traveled S. 4 miles, X a creek, turn a little to the W. 2 miles, X a creek, both running to the left; at the first is the site of the town of Hillabees, at the other one settlement, the creek margined with cane.² At this hut I saw the Casseneyupon growing about 8 feet high, it had been brought from the seacoast, and did well.³ Continue on, X 2 small creeks runing to the left,⁴ and at the end of 6 miles come to some large

¹Robert Grierson lived in extreme southern Clay County on the west bank of Harbuck Creek about one and one-half miles east of present Pinkneyville.

²The first one Broken Arrow Creek, the second unnamed. This was the Indian town of Hillabee along both streams in upper Tallapoosa County.

³This was the plant so highly prized by the Creeks and from which they brewed their ceremonial black drink.

⁴Present day Hackney and Sandy Creeks.

rock to the left, they are in a direction N.E.S.W.⁵ The lands hitherto, broken, stoney, gravelly, the growth a mixture of pine and oak, with a few dwarf hickories. Continue on 3 miles, X a creek runing to the left, the creek rocky, 15 feet wide;⁶ continue over one branch and up and aX another and rise the top of a hill 1 mile.⁷ The lands very broken near the creek, and mountainous. Our course S.W. Continue on 5 miles, Xing 3 small creeks or branches,⁸ and arrive at Cuialegees Creek, 15 feet,⁹ X it, pass the town on the left¹⁰ and arrive at the house of John O'Riley, he was from home. The lands broken, gravelly, and stoney, the growth pine, oak, and small hickory, the branches covered with small cane.

Tuesday, 13th. Dec.

The wife of John O'Riley, treated us with kindness and hospitality, as soon as she was informed who I was, she got corn for my horses, and cooked some pork and potatoes for supper. She prepared her own lodging for me, a good one, of clean blankets, with a nice coverlid. She had some fine fowls and fat hogs.

I bade her adieu and set out for Tuckabatchee, 4 miles. I arrive at Achina Hatche (cypress creek), a village of Keolgee, there are 6 habitations and a small town house, some thriving peach trees.¹¹ X the run, 2 miles cross another at the settlement of 3 families. The lands all poor, stoney and gravelly. Continue on

⁵Hawkins was east of today's Alexander City.

⁶Coley Creek, now inundated by waters of Martin Lake.

⁷He was in the area of Flint Hill Church.

⁸The first was Elkahatchee Creek. The second unnamed and the third, Eufaula Creek. Much of the original trail through this area is now inundated by Martin Lake.

⁹Today's Kowaliga Creek in northeastern Elmore County.

¹⁰This was the town of Cowiligee on the south side of the creek.

¹¹Channahatchee Creek today. Achina Hatchie literally means Cedar Creek, not Cypress Creek as Hawkins states. The town of the same name, affiliated with Cowiligee, was on the upper side of the creek. This was northeast of present day Kent. The trail along here ran close on today's Alabama 229.

2 miles, cross a creek, the lands pretty good tho' broken. Rise up a steep hill, the lands piney; continue on 4 miles, they become bad; continue 3 miles down a steep, gravelly hill X a creek and rise on high broken hills. 1 mile further X a creek just above Tuckabatchee,¹² enter the old fields, and in 4 miles arrive at the town house.¹¹ Here obtain a pilot and continue through the town down the river 4 miles, arrive at the landing opposite Mr. Cornell's, the agent in this quarter. The description of the sites of the towns are numbered. [Following is a list of sixteen towns in this area of present day Alabama. The list will not be copied into this article as Hawkins did not visit them in this journey.]

Wednesday, 14th.

I took up my abode in the house of Alex Cornell, on the left bank of the river.¹¹ He was at home and received and treated me with much attention. I had much conversation with him and Mr. Grierson on the subject of my mission, as they possessed and could give the best information now to be had in the nation. The result as to some important points was interesting. The condition of the Indian is much bettered within 20 years, he is less cruel, more attached to a friendly intercourse with his neighbours and mild in his manners. They have an increasing attachment to stock, & are more industrious, some few very careful and provident.

Since the treaty of Colerain¹⁵ the Indians have manifested a disposition for peace, unknown before, it is almost universal. Mr. Grierson says that he has seen many of the Indians in the district of the Abbecoos and they all spoke of the conduct of the

¹²The trail continued southward on the west side of the Tallapoosa River still close on Alabama 229. The creek mentioned is Wallahatchee just southwest of the present city of Tallassee.

¹¹The town of Tuckabatchee was on the west side and in the big bend of the Tallapoosa River, about six miles south of present Tallassee, not too far from today's Donald E. Reeves Airport.

¹⁴Alex Cornell lived on the south side of the river about present Milstead, Macon County.

¹⁵The Treaty of Colerain was signed on June 29, 1796. The town of Colerain is located on the St. Marys River in southwestern Camden County, Georgia.

U. S. as friendly and perfectly just and they were pleased with it. I asked this question. What would most likely the soonest disturb this friendly disposition of the Indians? Intrusion on the hunting grounds and horse stealing.

The latter was encouraged entirely by the whites in the nation, many of whom were more depraved than the savages, had all their vices without one of their virtues. The whites have reduced the stealing of horses to a system, their connections are extensive. Some in Cumberland, Georgia, Tennessee, and among the neighbouring tribes. This evil being now so deep-rooted that it would require much exertion and some severity to put an end to it. The whites who had Indian families took no care of them, neither to educate them or to teach them any thing useful. They were left with mothers, who were always the slaves of the house and the fathers making money by any and every means in their power, however roguish, and using the children and the relations of the family as aids.

Mr. Grierson being about to leave me requested me to aid him in some concerns of his family in Georgia, he gave me this statement. There were of his family four brothers, James, Thomas, William & Robert.

James was a colonel of militia in the neighbourhood of Augusta. He was killed at the siege of Augusta, after his surrender to the American arms.

Thomas was an officer in the militia in the service of the U. States. He died on or about the year 1775. He left a son, a halfbreed in the Euffaulies.¹⁶ He had 500 acres of land on little

river, 8 miles below Writesborough, on Upton Creek,¹⁷ adjoining the land of James Grierson and Joshua Sanders. Mr. Grierson requests to be informed of the situation of the property and the measures necessary to the securing it for the family.

¹⁶There were five Indian towns by the name of Eufaula in present day Alabama. The one referred to here was probably the Eufaula on the west bank of the Tallapoosa River on Eufaula Creek southeast of Worthy's Chapel, Tallapoosa County.

¹⁷The site of long dead Wrightsboro is in present McDuffie County, Georgia.

Mrs. Anne Hopkins of Augusta died in the year 1775 or 6. She gave by will her property to Jane Pettigrew, and the children of James Grierson, James Thomas and David. Jane Pettigrew was sister to three children on the maternal side. She married David Homes, a nephew of George Galphin. Homes died at Pensacola the year 1779.

After the siege of Augusta the Rev. James Seymore carried some of the negroes to Savannah, and from thence to Augustine. He died on his passage from thence to Providence, and Mr. Thomas Forbes, partner of Mr. Panton, took possession of the negroes. If this statement is true in substance Mr. William Panton will see the negroes' fourthcoming to the children of their representatives.

The necessary information can be had in the neighbourhood of Augusta and mostly from John Milledge, he took George, the youngest of the children to his house, where he died.

Thursday, 15.

There are 4 traders in this town and they are supplied by Mr. Panton at Pensacola.

Obediah Low has an Indian wife and 2 children. He is from the upper part of Georgia.

Patrick Laine, native of Ireland, has a wife, and Christian Hagle, called Huffle, a native of Germany has a wife, and Mrs. Cornell has four children and 4 grand children, she is a widow, the wife of Joseph Cornell, deceased, formerly interpreter.

George, her oldest son is a trader. James is a lad at school. Lucy, her oldest daughter is a widow, her husband John Cane died at Tensaw¹⁸ She has 3 children. Vica, the youngest has one little girl.

¹⁸Tensaw was near the junction of the Alabama and Tombigbee Rivers where they join to form the Mobile. Today a town by the name of Tensaw is nearby in Baldwin County.

Halfbreed Billy.¹⁹

I this day paid a visit to the old men at the town house and partook with them of the black drink. I then visited the falls and lands adjoining to the town. The falls are at $2\frac{1}{2}$ miles above town house, the river here is after tumbling over a bed of rock for half a mile, formed into 2 narrow channels, one 30 the other 15 feet. The fall is 30 feet in 50 yards, the first part nearly 20 feet in less than 10, fish are here obstructed in their passage up the river.²⁰

The rock is a light gray, very much broken and divided, in square blocks of various sizes, fine for building, the best I think I ever saw. It requires very little labour to reduce it to any form, for plain walls, large masses of it is so nicely fited, and regular as to imitate the side of a square building where the stone has passed through the hands of the mason. Above the falls the river widens and within half a mile stretches out to near half a mile in width and continues for near four miles. There are 4 islands which have been cultivated, they are now old fields margined with cane, the bed of the river shoal, rocky and covered with moss, it is frequented in the spring and summer by horses, cattle and deer, and in the winter by swans, geese and ducks.

The lands on the right bank opposite the falls is broken, stoney & gravelly, the growth oak, hickory and pine, the sides of the hills fronting the river exhibit this building rock, a small creek and a branch enter in 300 yards of each other, on the right, the lands half a mile below the falls become level and spread out on this side to 2 miles in width, bordering on a creek, Wollawitat-chee²¹ which rising in the broken lands 17 miles from its mouth,

¹⁹Why Colonel Hawkins inserted the name of Halfbreed Billy in his papers is not known. However, this published book of his "letters" is a collection of many different types of his notes, letters, and even recipes. It is likely that this man's name was written down by Hawkins simply to remember it.

²⁰These falls were at the site of today's Thurlow Dam at Tallassee, Elmore County. A good description of the falls appears in Benjamin Hawkins' book, *The Creek Country*, 27-31.

²¹Wallahatchee Creek heads northwest of today's Tallassee and runs southward to empty into the Tallapoosa River just west of the bridge on Alabama 229.

runs S.S.E. and empties into the Tallapoosa $3\frac{1}{2}$ miles below the town house. The whole of this flat is covered with oak, and hickory land, the latter altogether the large hard shelled nut, the creek margined with cane. The course of the river from the falls to the town house S. thence E. winding round a point to W. and W. & N. to its confluence with Coosau.

The lands on the left bank of the falls broken and piny, to the bank of the river, half a mile below a creek empties²² in, it rises 7 miles from the river, its course nearly N. W., its sides covered with reed and cane. Below this creek the lands become flat on the river and extend 3 miles to the Euffaulee²³, here the Tallassee lies²⁴, on the banks of this creek, it is at the junction 60 yards wide. This is the most valuable creek known here for fish in the spring and summer. Sturgeon, trout, perch, rock, red horse, the trout here is also called the chub. The Euffaulee is settled nearly 20 miles, the lands rich. $1\frac{1}{2}$ miles below the flat lands terminate, there the hills commence²⁵, and continue 2 miles, one small creek and 2 branches intersect. From these hills there are two high bluffs, from thence there is an extensive view of the town²⁶, the river above and below the extensive flat lands on the opposite shore, and a range of hills to the N. W. At the termination of these hills is a small branch, and the flat lands commence and spread for one mile on the side of the branch. 140 yards from the river is a house of the wife of George Cornell. Below, 300 yards is the habitation of Alex Cornell²⁷, and from

²²Stone Creek runs into the Tallapoosa River in today's East Tallassee just below the Thurlow Dam.

²³Eufalee, or Eupabee, is known today as Uphabee Creek. This stream runs into the river just north of the community of Hornady, Macon County.

²⁴As the reader will note, the Indian town of Tallassee was downstream and across the Tallapoosa River from the present city of the same name. It was on both sides of Uphabee Creek near its junction with the river.

²⁵Old Fort Decatur, after the Creek Indian War of 1813-14, was set up on the upper of these bluffs, on the south side, between the present Western Railway of Alabama tracks and the edge of a big bluff. This is west of Hornady.

²⁶Tuckabatchie across the river.

²⁷The Cornells lived just about today's Milstead, Macon County.

this down the river is settled with Indian families. 2 $\frac{3}{4}$ miles below, Calabee Hatchie²⁸ empties into the river, it has its source near 20 miles to the east, it is 15 feet over.

The town of Tuckabatchee stands on the right bank of the river, in the bend, the town house opposite the Euffaulee. The number of gun men 116. They have lately begun to settle out in villages for the advantage of wood and raising stock.

Some few have stocks of cattle, they hold them high, being accustomed to sell fowls, bacon and beef at Pensacola, at an extravagant price, they ask at home the same, making no allowance for the expense of carriage or between the war and peace price of provisions.

Friday, 16.

I amused myself this day in riding thro' the neighbouring woods, visiting and conversing with the Indians. The lands every where covered with acorns and hickory nuts. Some of the women who saw and knew me at St. Mary's²⁹ immediately recollected me, they expressed pleasure at seeing me among them, and at the same time said they were poor, and had not good things to give, their food being so different from what they saw at the table of the commissioners of the U. States. They were apprehensive I would find uncomfortable living among them. They sent me a present of bean bread and dumplins, some oil of hickory nuts, pleasant to the taste, and some milk of the same nuts.

The process is simple, they pick up the nuts, dry them pound them in a mortar, fan them, to free the kernals as much as possible from the shells. They then apply water, mix up the mass with their hands, and work it something like the bakers neading their bread, as the oil rises they separate it from the remains which is the milk.

I had some oil and beans, the oil was not inferior to Florence oil. It was new, they find a difficulty in preserving it from becoming rancid.

²⁸Calabee Creek about present Goodwyns, Macon County.

²⁹Probably refers to the Treaty of Colerain on the St. Marys River, Georgia. See footnote 15.

Saturday, 17.

I repeat my visits to some of the Indians, and to view what remained yet to be seen in my neighbourhood. I examined into the state of commerce as carried on by George Cornell, the half-breed. His stock of trade is almost 1,000 dollars annually.

Old Mrs. Cornell and her family hearing of my being in town,³⁰ they came to see me, this old lady is the mother of the man who was unfortunately killed at Colerain by the scout, as he went there bearing a flag with a message to the President of the U. States.³¹

The old lady expressed much satisfaction at seeing me, assured me of her friendship for the white people, being her own blood as well as the red, and her personal regard for me, my attentions to her at Colerain.

Sunday, 18 Dec.

I sat out this day on a visit to the towns down the river. Mr. Richard Bailey had called to see me, and promised to accompany me. I directed the agent here, Mr. Cornell,³² to attend me. I went down the river on the left bank, passing 5 separate Indian

³⁰Evidently after visiting with the Cornells on the southern side of the Tallapoosa River, Hawkins crossed back to Tuckabatchie on the northern or western side.

³¹General Thomas S. Woodward in his *Reminiscences* tells of this incident: "This man Dave Cornels did more mischief to the Whites than any man that has lived among the Creeks, and was the most hostile and bitter enemy the whites ever had among the Creeks, Savannah Jack Excepted. While [Indian Agent James] Seagrove was agent, Cornels sent him word he wished to be at peace and would visit him at Colerain, near St. Marys. It was known to some whites that Seagrove was expecting a visit from Davy Cornels—a James Harrison that had suffered much by the Indians, way-laid Cornels' path and killed him, [while Cornells was] bearing a white flag." Cornell's Indian name was Efau Tustanuggy, or Dog Warrior.

³²Alexander Cornell was one of a number of "Assistants and Interpreters" that Hawkins placed on the Federal Government's payroll during the period that he was Indian Agent. It is not known if Hawkins hired Cornell when they were both at Colerain for the signing of the treaty there six months previous, or not. Cornell was one of the signers as a witness and Hawkins signed on the part of the United States.

settlements, under fork fences, good against cattle only, the lands level and of good quality, the growth hard shelled hickory nut, oak, black oak, scrub, and some few white, not large. I crossed Caloobe Creek³³ and enter the town of Auttossee,³⁴ pass through the town, the gun men all from home, the buildings bordering on the river, the whole fenced with small poles, the first on forks, the other two on stakes, fit only to keep out cattle. X a small creek, the growth cypress. Here I was showed as a curisity an oak on the side of the creek which had been struck with lightning, it penetrated the tree about 5 feet from the ground, went through and out two feet lower on the opposite side, entered the earth and plowed it up for some distance a foot deep, the tree remains with marks on both sides, and not otherwise injured. I continue on to the house of Mr. Baily, in all 5 miles. Here I met a welcome reception, and here I remained for the knight.³⁵ Mr. Bailey is a good farmer, has many conveniencies about, with his lands fenced, stable, garden, lots for his stock, some thriving trees, and a small nursery to plant out. His stock of horses, cattle and hogs numerous; the lands where he lives rich, tho' the growth of timber is small. He informs me the product is 50 bushels of corn to the acre. He has an Indian woman, and 5 children, and as many grandchildren. His wife is of the Otalla (wine)³⁶ family. She is neat, cleanly, provident and economical, as careful of her family concerns as a white woman.

On the opposite bank formerly stood the old town OHassee,³⁷ a beautiful rich level plane surrounded with hills, to the north, it was formerly a canebrake, the river makes a curve round it to

³³Calabee Creek today.

³⁴Auttossee was between Goodwyn and Shorter's Station in extreme western Macon County. The name means "war club." In later years General John Floyd fought a battle with the Creeks at this site.

³⁵The Baileys lived in today's extreme western Macon County. For an excellent description of the Bailey farm, see Hawkins' *Creek Country*, 31.

³⁶This is obviously a misprint. "Otalla" equals Hotallee, meaning "wind," not "wine." She belonged to the wind clan, a ranking group.

³⁷This is an old settlement of Auttossee, sometimes spelled Antisse, Atasi, or Otassee.

the south, so that a small fence on the hill side across would enclose it.

In the year 1766 there were in this town 43 gun men, there are now 80. The women industrious, and some few of the men. The whole of them uneasy on the score of their white neighbours keeping stock among them, so much so, that Mr. Bailey finds his not safe, but as the property of his wife and children. The course of the river here is west, the creeks which empty in on the left side take their rise to the south at the ridge dividing the Pinsausta³⁸ waters from them, about 25 miles, it is nearly the same distance to Kongeau,³⁹ continuing on thense south. The lands rich to the source of the creeks, the growth of timber very large, and canebrakes on the ridges, which are none of them high. There are poplars of 4 and 5 feet through, large cherry trees and persimmon trees.

The stock is sometimes troubled with distemper; the mast hits every year, the whole country abounds with very troublesome flees and nats at some seasons.

I saw at Mr. Bailey's 20 bee hives, he says they do well, and that there are wild bees in the country in every direction. They are extending themselves west, and some hunters informed him they had lately discovered some, the west of Mississippi about 30 miles, that they had but recently arrived there, as the trees they fell had young comb only.

Mr. Bailey's 2 daughters are married to white men, they both spin cotton and the youngest, Elizabeth Fletcher, can read and write and is very industrious. The whole family are remarkable for being healthy and cleanly. This may be owing to a custom continued by Mrs. Bailey, she and her family every morning winter or summer bathe in cold water.

I have been much pleased in my visit here as well as at Mr. Grierson's; it being demonstrated to me that the Indian women from there too, are capable of and willing to become instrumental in civilising the men. Mrs. Bailey shares in all the toils of her

³⁸Probably today's Pintalla Creek, Montgomery County.

³⁹Conecuh River.

husband when there was a necessity for it, she attended the pack horses to market, swam rivers to facilitate the transportation of their goods, is careful of the interest of her family and resolute in support of it. She presides at her table which is always neat and well supplied with coffee or tea, butter of her own make, meat and well made bread.

His stock of cattle 200, horses 120, hogs 150 and 7 slaves. He is a native of England, served in Savannah, to the carpenter and joiner business, has been 40 years in this country.

Monday, the 19.

I sat out this day travelled down the river W. X Kebihatchee in $1\frac{1}{2}$ mile,⁴⁰ continued $1\frac{1}{2}$ farther X Ofeeckshe,⁴¹ 20 feet over, this creek has its rise near Koenekuh, the main branch of Scambia.⁴² This creek has several forks, the lands good to their sources. We enter into the fields of the Hollewaulee⁴³ (the shearer of the war), and continue on 2 miles. Just at the entrance of the fields, high red cliffs are to be seen to the north by the flat lands on the right of the river.⁴⁴

The town of Hollewaulee, is on the opposite bank of the river.⁴⁵ Continue on still down the river in all 8 miles X Noocooschepoo (bear ark).⁴⁶ Here we enter the Toosatche & Colooswe fields,⁴⁷ (the towns being on the opposite side) and continue four

⁴⁰Today's Cubahatchee Creek just west of Shorter's Station, Macon County.

⁴¹Known today as Line Creek, forming the county line between Macon and Montgomery Counties. This is just west of Tisonville, Macon County.

⁴²Escambia River.

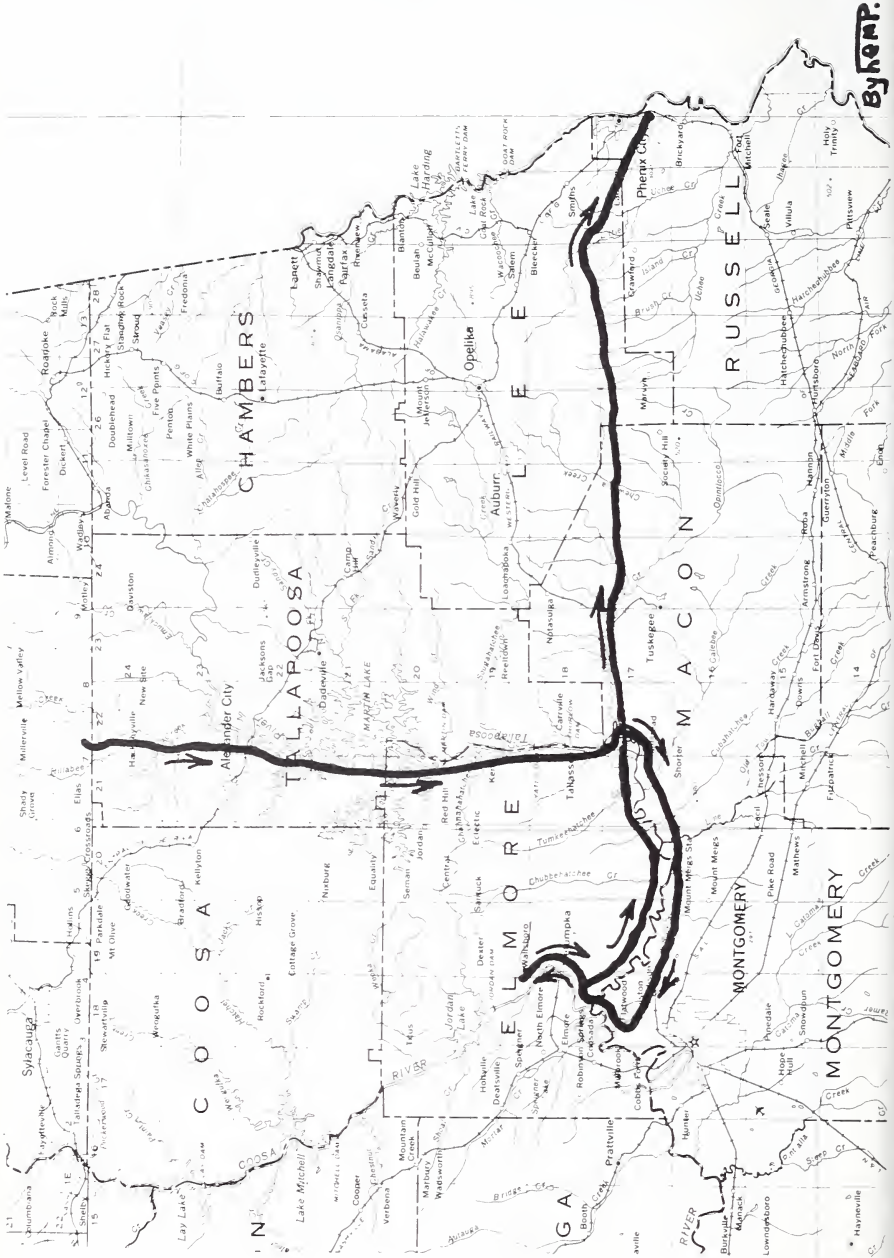
⁴³Hoithlewali near the present day community of Brasell, northeast Montgomery County.

⁴⁴"Dr. Goff left his description of these hills: "The high red hills mentioned are TERRIFIC. I never saw another place just like them. They rise about 100 feet straight up from the edge of the swamp and represent the termination of a high red clay ridge that ends abruptly at the river's swamp."

⁴⁵In today's Elmore County southeast of Ware Community.

⁴⁶Noocooschepo really means "bears hiding place" not "ark."

⁴⁷Tooschatche and Cooloome both located south of present Ware.



miles through them, and X a small creek Leecawsah, at the Colooswe, little village pritty situated on a rising ground to the left. Here commence large swamps and between them and the river are some rich flat canebrake land, where these Indians cultivate their corn, pulse, and melons. Continue on 2 miles X a branch, rise a hill, where is the remains of a circular mound on the left, the lands thin, tho' level. To the right the descent 20 feet to the swamp land. From this bank arise several springs, particularly one, a large one, half a mile farther, the Uchee village, a remnant of those settled on the Chattahoochee, half a mile farther pass a Shawne village, they speak the language and retain the manners of their countrymen to the N. W. This town house differs from the Creek, it is an oblong square building 8 feet pitch roofed on the common mode of cabin building, the sides and roof covered with bark of pine. Continue on 2 miles X a small creek, at Mucclassau,⁴⁸ continue on in all 18 miles X a creek 10 feet wide. 1½ mile further X another small creek and in half a mile arrive at the house of Charles Weatherford.⁴⁹

I chose the river path that I might have a view of the Indian fields,⁵⁰ their mode of culture and the quality of the lands. The first 4 miles were high and open sound low grounds, subject to inundations only in the seasons of floods which happen once in 15 or 16 years, the river is also subject to annual overflowings, but always in the winter season, generally in March; the next 8 miles is mostly canebrake land, very rich, much of it under cultivation, the corn planted in hills, not regular, about 5 feet from each other, and from 5 to 10 stalks in a hill, near every small division of corn they have a patch of beans stuck with cane. The margins on the river under cultivation is from one hundred to 200 yards wide, then the land becomes a rich swamp

⁴⁸Muklassa on Eight-Mile Branch in northern Montgomery County. In this trip across today's Montgomery County Hawkins traveled parallel to the river all the way.

⁴⁹Charles Weatherford lived about four miles north of Alabama's capitol city, Montgomery.

⁵⁰This portion of Hawkins' narrative is a recapitulation of his travels through today's Macon and Montgomery Counties.

for 400 to 600 yards, this when reclaimed must be valuable for rice or corn, the river never subject to freshes in the spring or summer. I saw one conic mound in this low land 30 feet diameter, ten feet high, it stands near the river. The towns standing on the right bank of the river, there are at several places large peach trees, and a few summer huts to shelter the labourers in summer against rain, and the guards who watch the crops whilst it grows to protect it against every thing that may be injurious to it. Many of them move over their families, reside in the fields whilst the crop is growing and when it is made they gather the whole and move into town.

During this season, they show in a particular manner their hospitality, they call to all travelers, particularly white travelers and give them fruit, melons and food. If there is a necessity the women and children eat of the young corn before the husk, but the men do not.

Tuesday 20.

Mr. Weatherford showed me this morning some fine horses raised by him, on his plantation, they were blooded nearly full, 15 hands high, looked well, their feet somewhat too flat, owing to their being raised in flat swampy lands. The residence of this man is on a high bluff on the left bank of the Alabama one mile below the confluence of the Coosau and Tallapoosa, it is the first bluff below, here are to be seen near his house 5 conic mounds of earth, the largest 30 yards diameter, 17 feet high, the others all small, about 30 feet diameter and 5 feet high.

It has been for some time a subject of enquiry when and for what purpose these mounds were raised, but here it explains itself as to the purpose. The Alabama is not more than 150 yards over at low water, the banks high, yet subject to be overflowed in the season of floods, which happen once in 20 or 25 years. The last flood was in January last, the river rose at the house where I am 47 feet high, it spread itself over the adjoining country for many miles, and the general width of the river was below the junction 6 to 7 miles, every thing within that scope was compelled to retire from it to the trees on rising grounds or were destroyed. The margin of the river is low swamp and canebrake, the up lands stiff level, pine and oak very open.

There are some mounds which I saw 2 miles from the river in this flat open country, and here they were covered with the water, and all others known in the neighbourhood except the largest, and on this Mr. Weatherford secured such of his stock of horses and cattle as he could collect in time, the remainder were lost.

I observed in examining into this curious phenomenon that the first range of flat swamp lands extends one quarter of a mile, 15 feet from the water, then arise in steep bank, 15 feet, the land then poor and flat for one mile, then another rise of 15 feet, and here and there a gradual rise to lands still higher.

This second flat which generally speaking is poor land has some very good land in small patches of 20 to one hundred acres. The growth generally small and on every place the hard shelled hickory nut, mostly dwarfs.

The flood rises the highest in the Coosau, and some times so sudden as to drive a rapid current up the Tallapoosa for 8 miles.⁵¹ Up the river from Weatherford's, half a mile is a large sand beach, here I saw collecting in the evening the greatest collection of crows I ever saw, and on examining I was informed that they collected there every night, entertained each other with their croaking, took a drink at the edge of the river and then rose and roosted on the canes. In the morning half an hour before sun rise, they began to move in large flocks of many thousand together, first in spiral and then irregular, constantly croaking and ultimately in a direction down the river, out of sight and out of hearing. I left this bluff, and set out on a visit to Mrs. Durant, the oldest sister of Mr. McGillivray,⁵² she has had eleven children, 8 are living; I found her poor, and dirty in a small hut, less clean and comfortable than any hut I have seen

⁵¹This phenomenon is sometimes referred to as a "jumping gully." When two streams unite and the water rises higher on one than the other, this backs water up the lower one. At times the water actually runs upstream on the lower waterway. Other examples of this are the Tennessee-Hiawassee junction in Meigs County, Tennessee, and the Ocmulgee-Oconee union in southeast Georgia. The latter forms the Altamaha River.

⁵²Her farm was northeast of Weatherford's place and close to the junction of the Coosa and Tallapoosa Rivers which forms the Alabama.

belonging to any Indian however poor. She is in possession of near eighty slaves, near 40 of them capable of doing work in or out doors. Yet from bad management they are a heavy burden to her and to themselves, they are all idle. She told me her poverty arose from want of tools for her labourers and some misunderstanding between her and Mr. Panton. He had refused to supply her with any thing. Her husband is a man of good figure, dull and stupid, a little mixed with African blood. She and her sister Mrs. Wetherford keep the command absolute of every thing from their husbands. She can spin and weave, and has her cloth made. The last year she lost her cotton by worms, she asked me for some tools and goods, and said she had directed her sons to apply for them but she supposed they were ashamed to do so. The sister I am informed lives well in some taste, but expensively. Her negroes do but little, and consume every thing in common with their mistress, who is a stranger to economy. She has been a trader for some time but is now out of credit with Mr. Panton. The lands near Mr. Durant are rich.

I crossed the river in a canoe, near this plantation turned down the river to the Tuskegee, in the fork here formerly stood an old French fort Thoulouse,⁵³ the flood of the last January flowed over this high ground, here I saw 5 iron cannon, the trunnions broke off; this is a beautiful high bluff, which overlooks the flat land in the fork and on the Tallapoosa, the Coosau, and the lands on its right bank, the river is near 200 yards over. I saw a few bunker beds and the cannon, the only remains of the French establishment. The town house stands near where the fort was, and the buildings, about 30, are compactly situated in the neighbourhood of it. Their fields for culture are the flat lands in the fork, the land where the town stands is level and poor, and continues so out for near a mile, the lands a whiteish clay, the growths small pine, oak and dwarf hickory; the bluff here is as high as at Weatherford's, or somewhat higher, perhaps 46 feet, yet not high enough for a town, if it was, the

⁵³This was the Tallapoosa River he crossed just upstream from its junction with the Coosa. The site of Tuskegee and Fort Toulouse is now a State Monument and park in Elmore County.

situation would be a beautiful one. I continued on up to the Coosau, 3 miles to the hickory ground,⁵⁴ the lands poor all the way and level, passing the Little Oakchoies⁵⁵ on the way, a neat compact little town. Most of the lands cultivated by these 2 towns lie on the right bank of the river; just above the hickory ground the falls commence,⁵⁶ they can be passed with canoes, the lands to the right are broken and mountainous & gravelly, not rich, the rock at the falls very different from those at the Tallapoosa Falls, here it is ragged. Continue on 4 miles farther to the remains of the old Tallassu,⁵⁷ formerly the residence of Mr. McGillivray and his son the general, here I saw some large apple trees, 10 of them planted by the former, and a stone chimney, the remains of a house built by the latter, I saw half a mile below 8 or 10 apple trees planted by the general, which were thriving. The hickory ground is inhabited by those who formerly lived at the Tallassu, and the old town is a desert, half a mile from this is the residence of Daniel McGillivray, a trader, a native of Scotland, formerly a trader among the Choctaws, but for 12 years a resident and trader among the Creeks, he has a Creek woman and a son 6 years old. He has been a meddling troublesome man, talkative and capable of misrepresentation among the Indians. He seemed much pleased at the notice I took of him, to visit him and converse freely with him, and offered his aid to co-operate with me, and his services by day or night. I told him I expected a like conduct from every man in the department. His woman was very attentive and did every thing she could to render my situation comfortable. Mr. McGillivray cultivates a small field with the plow, lying on the river. He informed me that when he applied to the Indians

⁵⁴The Creek name for Hickory Ground was Ocheaupofau. It was located about one and one-half mile south of today's Wetumpka.

⁵⁵About one mile west of Hickory Ground. In this portion of his journey, Hawkins remained on the eastern side of the Coosa River.

⁵⁶Present day Wetumpka. The name is Creek in origin and means "tumbling or falling water."

⁵⁷Located just north of today's Wetumpka and just southwest of Wallsboro. It is interesting to note the spot was sometimes called "peach orchard" although Hawkins mentioned apples.

for permission to settle out of town they brought him to this spot, marked the front on the river and permitted him to call all his that he could clear and cultivate. The river here is 250 yards wide and shallow. The poor, broken, gravelly, long leaf pine land close to his house, about 300 yards from the river. At the falls below his house half or $\frac{3}{4}$ of a mile a creek empties in on the left large enough for a mill.

Wednesday 21.

I left Mr. McGillivray's at 12 for the Hickory Ground,⁵⁸ by the path through the piny woods, the lands generally broken and gravelly, except near the branches, which were covered with reeds. X 2 or 3 of them which unite below and form the creek at Old Tallassee Falls. I arrive at the Hickory Ground and spent one hour with the principal chief of the town, McFashion, a cousin of Gen. McGillivray. I sat out for Cooborne, the land variegated, flat, hilly and mountainous, pass in four miles Pasabulluh, a beautiful flat $\frac{3}{4}$ of a mile, and X a creek large and fine for a mill, at 10 miles arrive at the Cooborne⁵⁹, leaving the White Ground⁶⁰ to the right. The creek before mentioned, Sambulloh,⁶¹ entering the river still lower. Cooborne is a pretty little compact town, beautifully situated, but too low; the flood having covered it near 4 feet. The chiefs being all from home, I continued on to the Fusatchees,⁶² and took up my residence with the trader Nicholas White, a native of Mersailles, but resident in this nation 30 years; he has an Indian woman, and 4 children, 2 of each sex, 3 of them married to Indians; he lives comfortable, has stables, and a kitchen, and his wife appears, tho' old, healthy, industrious and pretty cleanly. I spent the

⁵⁸At this point Hawkins turned back southward and started to retrace his route for a ways back through today's Wetumpka, following close on Alabama 9. As he neared the Tallapoosa River he turned eastward and began paralleling the river on the north side across today's Elmore County.

⁵⁹Cooolome, same town he mentioned on December 19. See footnote 47.

⁶⁰White Ground in Creek, Ecunhutke. He passed this town before reaching Cooolome in today's Elmore County just south of Ware.

⁶¹Probably Chubbahatchie Creek.

⁶²Just south of Cooolome, and southeast of today's Ware, Elmore County.

evening with him agreeably, except the conduct of my deputy Alex Cornell, who, forgetting himself, got drunk, and was a little disorderly. This morning I began to correct the abuse in my own family. I told my deputy that he was a chief of the land and in the service of the United States, he knew well how to conduct himself, and I was surprised at the impropriety of his conduct, he must reform, and not give me the pain of seeing him again playing the part of the drunken Indian. Mr. White is the trader for these two towns, he informed me that the Cooborne people had always behaved themselves in such a manner towards the white trader, that none of them could reside there, that he kept an Indian factor there, who did business with fidelity.

Thursday, 22.

I sat out this morning very cold, traveled 3 miles to Hochilliwallies,⁶³ here I halted at the house of James Russel, a native of the United States; he has been 12 years in the nation, has a decent woman and one son. After one hour's conversation with him and eating some venison and beef, I continued on, passing some very rich level land, low cane swamp on the right, and some high red hills or mountains to the left. I pass over some level lands, X Wehuarthy (sweet water)⁶⁴ a beautiful little creek, in sight of a village of that name, belonging to the Tuckabatchee, come to and over the flat old canebrake of the Old Ottassue,⁶⁵ pass thro' the old fields to the river opposite Mr. Bailey's, in all 5 miles, X the river in a canoe, and send a person from his house to swim over our horses. The weather cold and freezing.⁶⁶

⁶³Hothlewali, same town he mentioned on December 19. See footnote 43.

⁶⁴Today's Goodwater Creek, a name that means the same as "sweetwater."

⁶⁵Old Autossee, same town Hawkins mentioned seeing across the river on December 18. See footnote 34.

⁶⁶He arrived back at Richard Baileys where he had spent the night on December 18. See footnote 35.

Friday, 23.

It is cold and cloudy, and snowed for 2 hours. I remain this day with Mr. Bailey, he informs me that the distemper which has for 3 or 4 years past destroyed the horses in the Southern States, and called there the yellow water, was introduced into this country from St. Antonie, and Appaluca. It raged here for two years, and has disappeared; the horses were dropping, the legs swelled, yellow water dropped from the nose, a high fever, the sides beat like the thumps, when dead the entrails were decayed, particularly the lites. Those which survived, on the recovery, if used were sure to relapse and die, but if left to themselves got well; it raged in the hottest part of the summer, abated in the fall and ceased in the winter. There has not been any cure discovered for it. The old horses suffered most. It was a plague among them.

At some seasons and for a year or two the range is not much infested with flies, either in wet or very dry seasons, they do however come some years in such numbers as to destroy poor horses. In May they appear, June and July they are the most numerous and troublesome, and then they gradually disappear. About cleared land and in stables they are not troublesome. A large flie called the horse guard come at the same season, they continue in cultivated and open land, attack and destroy all the flies they meet with. The flie which is the most troublesome has a small green head. In the month of May on the small bushes, particularly the red root, there is to be seen all over the country more or less in patches, a white froth, and in every lump of it there is one or two flies. Here they are produced but he knows not how. Take a young flie out of the froth, clean it and put it on a leaf, it will soon be surrounded with another coat of froth, and then will be perfected.

The honey in this country is poisonous in the month of March; some negros and Indians have been killed at that season. At that season on the small branches, there is a plant in bloom called by the whites 'wolfs tongue, or fire leaves, by the Indians Hochkau, (oachfoe), it has a long stem with yellow blossoms, and bears around the stem, green berries, which altho' poisonous are eaten in years of scarcity by the Indians, they boil them in

2 or 3 waters, shifting them, and thus extract the poison from them, they are then pleasant to the taste, somewhat like the garden pea. The Indians are the authors of the discovery. Milk has been the only efficacious remedy discovered here for this poison. The last season a bee tree was taken in this neighbourhood and all who eat of the honey sickened instantaneously, they retired to the house, except a black sick boy, and took some milk which restored them, the boy was unable to get to the house, and altho' aid was sent him, in 2 hours he was dead.

Those who eat of the honey are first taken with a giddiness, then blindness accompanied with great pain and uneasiness, and thirst.

Saturday, 24.

The weather cold and cloudy, the ponds in the neighbourhood frozen over, which seldom ever happens in this climate.

Sunday, 25.

The weather is still cold and freezing. I spend my Christmas in the hospitable house where I am. This good woman as cleanly as any of her sex, is very particular in cooking, altho' she has two black women to assist her, she does much of it with her own hands, has many conveniences about her, and is nice and clean in every thing. She governs her black people and shows much attention to the stock about the plantation. She some times beats the meal for bread, sifts it and bakes it herself. She is agreeable and jocose in conversation, kind to every body, yet firm enough to prevent any imposition on the part of her country people; she gives me daily, coffee, bread, and butter, and a relish of some kind of meat, the butter of her own make, a dinner of fowls and pork, with rice, and a dish of tea in the evening.

Mr. Bailey keeps some good rum in his house, and it is remarkable in him that he neither drinks or smokes tobacco. By the former I mean, to excess; he every day takes a glass of grog or two and that's all. The Indians of the town where he lives are more orderly than any others in their neighbourhood, he keeps them at a proper distance, when he is at dinner they never

enter the dining room, and even at times of drinking and when in their cups, they show the same respect. When I was informed of this, I asked them both to account for it, they said they could attribute it only to the long standing of Mr. Bailey among them and his uniform perseverance in this plan which he adopted on his first settling among them. Some few years past they were under the necessity to remove to Tengau,⁶⁷ on account of their stock, and the ill nature of the Indians, who always have been funny and are in the habit of distroying hogs or cattle whenever they tresspass on the fields under cultivation. By this removal the town was three years without a trader and the Indians sent several messages to them to return, but Mrs. Bailey said she would not unless their stock could be secure, and it should be left to Mr. Bailey to choose his place of residence near the town. The Indians sent their king to confirm this agreement which they adhere to with some little murmuring, at the largeness and increase of his stock.

I applied particularly to Mrs. Bailey for her opinion of the practicability of carrying the benevolent views of the government into effect, explaining them fully to her; she replied it was uncertain; her daughter had learnt to spin among the white women, at Tanasau,⁶⁸ were cleanly, neat and industrious. That many of the Indian women were industrious, but not cleanly, nor so provident and careful as the white women. This I replied might be owing to want of information, and the means of helping themselves. She said she did not know whether it was so or not, but of one thing she was certain, they all had water enough, and yet they never kept their husbands clean, even the white men, that this was really a source of vexation to her, and put her under the necessity of scolding the men whenever she saw them, for not making their wives wash their linin; and the women for their want of cleanliness.

I dined this day with Mr. Bailey and three Indian women, on port and coleworts,⁶⁹ a pair of fowls, and ducks; and the con-

⁶⁷Tensaw. See footnote 18.

⁶⁸Another reference to Tensaw.

⁶⁹The "port" here was probably misspelled when the original was copied and should have been "pork." Cōlworts were (and still are) a type of cabbage.

versation related to the Indians and the practicability of bettering their condition. I should have added to my bill of fare some rice and potatoes—rum and water. Some incidents brought to my recollection that on Christmas, 1785, I dined at the public table at Hopewell on the Theowee,⁷⁰ being one of the Commissioners for negotiating a peace with the Southern Indians, that the table was covered with a great variety of wild meat and fowls, the company large, that all of them are still living, and that the conversation then was the means of establishing a peace with these Indians, and of bettering their condition. I remember well that the sentiments I then entertained were the same I still possess, and am labouring to carry into effect.

I was this day visited by the negroes from the towns above me, on their way to Mrs. Durant's to keep Christmas. I asked how this was done, they answered that at this season of the year they made a gathering together at Mrs. Durant's or her sister's, where there lived more of the black people than in any other part of the nation. And there they had a proper frolic of rum drinking and dancing. That the white people and Indians met generally at the same place with them and had the same amusement.

The black people here are an expense to their owners except in the house where I am. They do nothing the whole winter but get a little wood, and in the summer they cultivate a scanty crop of corn barely sufficient for bread.

Monday, 26.

The weather cloudy and freezing in the forenoon, and cold and clear in the afternoon. This day I had some provisions prepared for the road, and had every thing in readiness for my departure to-morrow for the lower towns.

⁷⁰Hopewell was on the Keowee River not too far from present day Seneca, South Carolina. The Keowee today is a branch of the Seneca River, but in Hawkins' time the whole stream was known as the Keowee. As Hawkins notes, he, along with other commissioners on the part of the United States, signed the Treaties of Hopewell with the Cherokees, Choctaws, and Chickasaws in 1785 and 1786.

Tuesday, 27.

I sent my attendants on the nearest road for Tuckabatchee, and set out myself to view the lands back of the Ottassee.⁷¹ For a mile the lands level, intersected with swamps, the growth a mixture of oak, pine, poplar and hickory, the dwarf hard shelled nut, free from stone yet not rich. The lands there on the right rise a little into hills, and flat, the branches stored with cane, the levels on the hills stiff red land, excellent for wheat, the growth black oak, scrub oak and hickory, and yellow pine, not large or abundant. There is to the left, back of the town, a swamp half a mile diameter, and on my right, one still larger, mostly a canebrake. I pass the remains of an old settlement, formerly a part of the Ottassee, on the borders of Caloebee.⁷² Descend to the Flat land on the creek and up it one mile, the little drains which empty from my right, abound with reeds, the lands not rich. I cross the creek and turn to Tuckabatchee;⁷³ I visited Mrs. Cornell and dined with her, on venison and pork stakes, and coffee. The old woman said she had expected me yesterday and had something good for me, but to-day she was unprovided.

Two old chiefs visited me and had much conversation on the affairs of their nation.

Wednesday, 28.

Emautle Hutke, white chief, one of those who visited me last evening, remained all night with me. He informed me he lived out of town about seven miles. That he moved out for the advantage of stock, and had now about one hundred head. This old man told me he had a great regard for the white people, that of his own knowledge or from his father knew that from an intercourse with them, the Indian had notwithstanding his obstinacy received much useful instruction.

⁷¹Auttosse, the same town he passed on December 18. See footnote 34. For a ways along here Hawkins traveled over the same route, but in the opposite direction that he had taken earlier in the month.

⁷²Calabee Creek, Macon County.

⁷³To reach Tuckabatchee, Hawkins had to cross the Tallapoosa River not "the creek" he mentions.

That now they had many comforts, to which they were strangers to, cloathing, comfortable houses, and plenty of bread.

He remembered when the part of the nation where he lived had not a blanket or a hoe, and his father remembered the introduction of the knife and the hatchet. He remembered when there was not a horse in the nation and the rum used to be packed by the traders and sent down with the skins, he remembers the first horse and mare that was brought in the nation by a trader and that the Indians were afraid of them.

And now he said they had hoes, axes, knives, guns and other necessities, and he was glad I intended to increase the number, and trade them other useful things. I promised to visit him.

Thursday, 29.

I sat out for the lower creeks, took the path up the Eufaupe, thro' the Tallassee.⁷⁴ I called at the house of James Moore, who accompanied us, continued on 8 miles to James McQueens,⁷⁵ an old trader, he was from home. I was very desirous of seeing this old man, he being the oldest white man in the nation, and trader, he has accumulated a considerable property. Continue on 2 miles farther and cross the creek, 30 feet wide,⁷⁶ at Baskets one of the grandchildren of Mr. McQueen. The Indians are settled in plantations and villages upon the banks of this creek, many of them prittily situated and fenced. The huts neat and cleanly, the last one particularly so, the family remarkable industrious, the fields large and fenced. Continue on half a mile and call at the house of William Pound, here I dined; he has been four years in the nation, has a pretty little woman,

⁷⁴The same Euphatee Creek and town of Tallassee he visited on December 15. See footnotes 23 and 24.

⁷⁵McQueen lived about today's Chehaw, north of Tuskegee, Macon County. Hawkins' trip was almost due east after departing from Tallassee, passing just above today's Franklin and Cloughs.

⁷⁶For a ways Hawkins traveled over portions of today's Alabama 81. The crossing of Uphatee was about three miles north of present Tuskegee, Macon County.

and one child. I saw a great number of fowls, and they gave me stewed fowls and pork. I continue on 2 miles farther and encamp.⁷⁷ In 4 miles, cross a creek,⁷⁸ in 4 more cross another,⁷⁹ and in 5 recross the Eufaupe⁸⁰ The lands uneven and gravelly, very good on the creeks, but poor on the hills, all the bottoms covered with reed, the first creek from the encampment has some cane. I call and breakfast with William Drew, a native of Virginia, at the half way house, Chowolle Hatche.⁸¹ He has an Indian woman who was kind, good natured and attentive. He is a trader, and silversmith, the latter he took up of himself by way of amusement a year or two ago. The chief of the business in this line is in making broches, rings and ear bobs. I continue on S. E., the route hitherto E. 9 miles, over high broken pine forrest, the pines large without any undergrowth. Cross Crane Creek (Wattooluhhaugau hatche);⁸² this creek is difficult to pass, the margins on both sides covered with reed without any thing else, it is mirary, the channel of the creek 3 feet but deep, the little hollows above and below the ford exhibit the most beautiful and variegated bed of reed that I have seen. From the creek rise up a steep red hill and continue on 5 miles over uneven lands, the growth pine, not large, with blackjack and willow leaved hickory. The land then more level for five miles, the growth the same as the preceding 5 miles, all the little

⁷⁷About three miles due north of Tuskegee.

⁷⁸Chewacla Creek, about two miles north of Pleasant Hill, Macon County.

⁷⁹Unnamed branch about one mile east of today's Alliance.

⁸⁰Chewockeeleehatchee Creek, one of the main upper branches of the Euphatee. The name is Creek and means "Little Chewockee Creek."

⁸¹The Halfway House, or Chowolle Hatchie as Hawkins called it, was a well known Indian town in southwest Lee County, just about the present Lee-Macon County line and about one and one-half miles north of Shiloh Church and School. This Halfway House was mentioned by many travelers through the area during this period. Hawkins failed to mention it but he crossed the head branches of Opintlocco Creek, about Bethel Church just over into Lee County.

⁸²Today's Watoolee Creek. He was just southeast of Whatleys Cross Roads, Lee County.

drains to the right and left covered with reed. This Crane Creek is the first waters on the path of the Chattahoochee. Take the left hand path, the course E. N. 1 mile,⁸³ encamp on and afterwards cross a small branch runing to the left,⁸⁴ continue on $\frac{1}{4}$ of a mile, recross it runing to the right, and in half a mile cross the Wetumcau, 35 feet over,⁸⁵ falling down a long slope of craggy rock, a small village on the hill; here I breakfast with George Clem, a trader. Continue on pass Wetumcau to the right, cross a creek in two miles runing to the right,⁸⁶ continue on over high pine hilly land 2 miles, cross another creek runing to the right,⁸⁷ 4 miles farther over high open pine forest, the trees large, come to and up a steep hill, from the top there is an extensive view S. and S. E.⁸⁸ The tops of the ridges in the last direction rising gradually, and terminating in their blue cloud-like appearance 10 or 12 miles off, descend pass the broken rock on the right formed at the head of a bottom like a horse shoe. The lands very uneven, some high hills, to the right and left, the pine smaller but more abundant, and fine for log huts, 4 miles over land descending, passing several reedy meadows and branches, I arrive at the flat lands adjoining the town, and in one mile over land moderately rich, I arrive at the town house.⁸⁹ The course from Clem's generally S. E. I visited Mr. James Darouzeaux and dined with him and crossed over the river to Thomas Marshall's, where I arrived the 31st of December.

⁸³Hawkins was about present Corbell Cross Roads when he turned northeast towards today's J. C. Meadows Cross Roads. The trail that forked to the right probably ran to the lower Creek towns in the vicinity of today's Forts Mitchell and Benning.

⁸⁴One of the branches of Dunken Creek.

⁸⁵Today's Dunken Creek about J. C. Meadows Cross Roads. This stream is one of the main branches of Little Uchee Creek.

⁸⁶White's Creek due east of Meadows Cross Roads.

⁸⁷Hospilika Creek, southeast Lee County.

⁸⁸He was in the vicinity of present Ladonia in upper Russell County.

⁸⁹This was the Indian town of Coweta, Hawkins' final destination on this trip. It was located in the southern limits of today's Phenix City. James Darouzeaux was a noted interpreter and lived at Coweta. Thomas Marshall lived on the east side of the Chattahoochee River in present Columbus, Muscogee County, Georgia.

This brings to an end the travels of Colonel Benjamin Hawkins on his first trip across northern Georgia and central Alabama. Apparently he lived in Coweta or with Marshall across the river for a while, but he eventually set up his headquarters at "old Coweta Town," or Coweta Tallahassee, some three miles south of the main Coweta. Coweta Tallahassee was above later Fort Mitchell about the site of the place called "Broken Arrow."

A SOUTHERN STUDENT DESCRIBES THE
INAUGURATION OF PRESIDENT JAMES BUCHANAN

edited by

Kenneth R. Johnson

During the antebellum period many young men went North to study in the institutions of higher learning. In the 1850's Princeton University was especially popular among southerners. One student from Alabama attending Princeton was James William Abert Wright. He was born in 1834, son of a Presbyterian minister who came to Mississippi as a missionary to the Choctaw Indians, but later organized the first public school and became the pastor of the Presbyterian Church in Columbus, Mississippi. Young Wright received his early education from his father, after which he studied and taught at the Green Springs Academy conducted by Dr. Henry Tutwiler. Here he became a close friend of the Tutwiler family and received preparatory training for admission to Princeton. The following letter* was written to Henry Tutwiler, Jr., a few months before Wright graduated as valedictorian of his class.

Princeton, N. J.

May 2nd /57

Master H. A. Tutwiler

Green Springs

Ala.

My dear Hal,

I begin to miss your letters very much. In fact it is so long since your last came that I cannot even find it to see what I have to answer. So I will just have to go on and talk with you as if you had not written the last letter.

As you generally tell me how you are enjoying yourself, and what you are doing (and I am glad you do), and especially

*The letter has been in the possession of Miss Rosalie Tutwiler of Greensboro, Ala., who gave it to Prof. Johnson, who in turn presented it to the Alabama Department of Archives and History.

as I have no calves, & kids, & horses & measles, to talk about, I expect I might as well tell you about my trip to the Inauguration, at least something about it, for I have taken such a small sheet, that it will not hold all.

Well, it is about 180 miles from Princeton to Washington, but we travel so fast on the cars here that it only takes about as long to go this distance as it does for you to go from the Springs¹ to Tuscaloosa in the carriage. This is what another student and myself expected to do, so we did not start till Tuesday morning (the day before the Inauguration) and expected to be in Washington to supper.

The morning was quite pleasant, though the ground was covered with snow about a foot deep (you know snow covers the ground here for 2 or 3 months in winter). We soon reached Philadelphia—but when we got to the Depot, we found the cars for Washington had left about 5 minutes before (for we had been delayed a short time.), and we had to wait till 5 o'clock, but then expected to get to W[ashington] about midnight. Well, we rolled along pretty fast, until a little after dark. By 8 o'clock nearly all the passengers were taking a nap and some were snoring, when all at once there was a tremendous thump wh[ich] woke everybody, for it almost threw us from our seats, & the cars began to run backwards. Many of us jumped out immediately, & ran to the front of the train to see what was the matter. We had stopped between two high & thick piles of wood wh[ich] stood like walls on each side of us, & we found that a part of the locomotive had broken, & it was thrown from the track, & became wedged into one of the piles. The wood saved the train, for it w[oul]d have otherwise run down an embankment. There we staid till 5 o'clock Wednesday morning right out in the woods.

The passengers said the Rail Road Company was to blame, so they took the wood wh[ich] belonged to the company, & built a huge bonfire. This kept us warm all night, for the fires in the stoves went out. About daylight, another train came up from Baltimore, & we had to go forward to it. We began to think we w[oul]d not get to W[ashington] in time, for the Inauguration was to take place at noon. But we hurried on, got to Baltimore in time to start at 10 in a train with more *than 1500 people on*

¹Green Springs, Alabama.

it. We arrived at the Depot in W[ashington] *just at 12 o'clock*. This is near the Capitol. So we all hurried up on foot with baggage in hand expecting to see the great procession coming up. But fortunately for us there was a delay for more than an hour in the ceremony & we were *in time to see all*.²

What first met my eye was a dense crowd standing around the Capitol (the large building I told you of in one of my letters) & as I approached President Pierce passed in a carriage on his way from the Senate. I got in front of the building from wh[ich] the whole procession c[oul]d be seen, for from it you can see down the whole length of the great street of the city. It was a grand sight when the procession began to move. Just imagine a great street extending as far as from your house to Mrs. Williams', & as wide as from your front steps to the road gate, entirely full of people. When first seen from the Capitol the procession was a mile distant. The day was perfectly clear. You could tell that the dense mass was moving only by the glistening of armor, the bristling bayonets, and faint sounds of music. Then as it approached the sight became more & more magnificent. There were about 26 companies of soldiers (cavalry, infantry & artillery), & about 20 bands of music. There were many more interesting things connected with this wh[ich] I cannot now mention, but perhaps we may some day talk about them. I found a place near enough to see Mr. Buchanan when he read his inaugural Address, but c[oul]d not hear a word. I c[oul]d watch him turn over the leaves. You might think he w[oul]d have had this written on very handsome & costly paper, & then perhaps beautifully ornamented. But it was written on very common blue foolscap, & some parts of it were on little strips only a few inches long.³ As soon as he finished reading,

²The delay resulted from the failure of the Arrangements Committee to plan for outgoing President Pierce to join the inaugural procession. In the excitement he had been overlooked. It was hastily decided that the procession would start and he would join it at the Willard Hotel.

³The speech had been completed and copies released earlier. In fact, while the speech was being given, copies printed on silk kerchiefs were being hawked in the audience. There were only two last-minute additions to the speech, one of which vitally affected Alabama. It was a statement that the Supreme Court would soon settle the legal question of slavery; the Dred Scot decision was announced two days later.

Mr. Buchanan took his oath, the band played Hail Columbia, & the firing of cannon informed everybody that we had a new President.

The city was so crowded, & noisy & the cars in traveling were so full (I had no seat the whole way back but my valise) that it was very pleasant to get back again to quiet little Princeton.

Well, Hal, my letter has become so much longer than I expected that I must close abruptly.

I hope you are studying harder than ever, & trying to become better every day.

I delivered Miss Mag's message to John Mhoon, & he says he will write to Jimmy. John is very well & very industrious.

Say howdy do for me to Miss Mag, Miss Nan, Miss Jule, Miss Kitty, (Tell Miss Kitty I am very sorry to hear she has been so sick, & tell Miss Jule I am very sorry the apple crop is supposed to be seriously injured this spring) Netty, Pas, Peyton, Ida & Ashe. I hope I may say the same to all of you some time in the fall.⁵

Write again soon & give me all the news as you always do, and remember me as your very good friend,

Wm. A. Wright.

⁴Julia Strudwick Tutwiler.

⁵He returned as a teacher to the Green Springs Academy in 1858. The following year he married "Miss Mag" (Margaret Tutwiler), the oldest daughter of Dr. Henry and Julia Tutwiler.

BOOK REVIEWS

Edgar Gardner Murphy: Gentle Progressive. By Hugh C. Bailey. (Coral Gables, University of Miami Press, 1968. Pp. xii, 288, illustrated. \$8.50.)

Edgar Gardner Murphy was an Episcopal priest who abandoned the ministry in order to devote his life to the cause of the dispossessed, especially the black minority of the South. By now the story of the clergyman who leaves the establishment to fulfill a vocation rooted in social concerns has a familiar ring, but Murphy's career was a response not to the racial crisis of the sixties but to that cultural darkness which threatened to engulf the South in the wake of Confederate defeat. Born in 1869, he was a pioneer (perhaps he was the first) whose commitment to catholic Christianity would lead him out of an ecclesiastical career whose success seemed assured and into a crusade for the betterment of the illiterate of both races and for the well being of the children who were the new slaves of the industrial economy of the post-war South. Murphy was the author of the prototypes from which 'Head Start' and 'Upward Bound' are descended.

The story itself is fascinating, for few will remember that St. John's, Montgomery, a stately Church in which enormous bronze angels seem to guard the silence of Victorian memories, once had a Rector who was something of a radical. If we read it as the story of a life it is the story of quiet personal agony. Murphy was indeed a gentle progressive, one whose progressiveness was misunderstood by both radicals and reactionaries, and whose gentleness was sometimes mistaken for weakness. As such the biography has an appeal and a value of its own. But the story of Edgar Gardner Murphy is also the story of the failure of religion, the apostasy of a class, and the forlorn irrelevance of a philosophy. The religion was Christianity as the South then knew it, the class aristocracy and the philosophy that Christian Aristotelianism which Murphy had learned at Sewanee from William Porcher DuBose.

DuBose's moral philosophy was the tool which Murphy brought to the task of interpreting recent southern history. Dr.

DuBose, perhaps the only theological genius produced by American Anglicanism, dominated the education of seminarians at St. Luke's, Sewanee's School of Theology, during the last quarter of the nineteenth century. He was largely ignored in the United States, perhaps because he was a southerner, but in England he was much revered, and when Charles Gore, the editor of *Lux Mundi* and later Bishop of Oxford, visited Sewanee he regarded his conversation with "Dear old Dr. DuBose" as the highlight of the journey. DuBose's thought shone in the life of his distinguished pupil. He had gathered into an original synthesis those strains of Patristic thought, of Thomism, and of liberal Anglican catholicism which emphasized the goodness of the natural order as the vehicle of God's purpose. The tradition which DuBose propagated understood the world hopefully. It recognized the goodness intrinsic to human reason, not as an entity alienated from God but as a mediate expression of God's own goodness. Bailey is correct when he cites as the definitive characteristic of DuBose's thought the conviction that God and man "are for each other." Thus DuBose's disciple did not bring to his work the rather typical conviction that the natural order of society and its divine purpose are so utterly out of touch with one another and that only a very special experience can relate the two at some times and for some people. Murphy believed, rather, that an intelligent charity should permeate the present order of things. He recognized both the limits which the present circumscribes and the limitless hopes which the future may hold. It was hardly a creed for the simply minded, and it became the basis of the complex presuppositions which Murphy brought to his interpretation of the southern dilemma. His conviction that the Church could not assent to any rigid distinction between the mundane and the holy made Murphy the paradigm for all those later and lesser clergy who would mix politics with their religion. He was capable of fighting illiteracy and prejudices tirelessly in the South while insisting that a solution legislated at the national level would create more problems than it would solve. He was convinced that education and thrift would provide the basis of a genuine equality which mere social integration could never offer. To the southern conservative he was a radical, and to the northern press he sometimes seemed to be a

conservative defender of southern iniquities. Perhaps it is too early to say that the theology which Murphy inbibed from DuBose failed. Perhaps we should say only that it has not yet succeeded.

The class whose apostasy assured the relative failure of Murphy's ambitious programs for the betterment of the poor and illiterate was comprised of those 'good southerners' in whom he put his trust. Their support never materialized, and perhaps anyone less sanguine than Edgar Gardner Murphy would have come to doubt their existence. Murphy, however, never ceased believing that there existed a class of southerner whose aristocratic virtue, when coupled with economic and political power, would provide a solid base for his own efforts. Murphy understood Alabama, and hence the South, best from that vantage point provided by his place at the head of the table around which St. John's Vestry gathered. Though the image which is associated with establishments like St. John's is the stuff from which the southern myth is made, the Episcopal Church in the South had in fact ceased to represent a majority, or even a significant segment of southern opinion by the turn of the century. By 1900 the Episcopal Church in the South had suffered a fate whose catastrophic dimensions have perhaps as yet not been truthfully assessed. From a dominant position in the cultures of colonial Virginia and South Carolina it had declined to a position of peripheral influence. Murphy's aristocratic ideals were somehow inextricably bound up with that institution which, though it held the loyalties of many whose hopes lay with past institutions, was hardly characteristic of the post-war South. His decision to ask for deposition from the priesthood so that he might move freely among the culturally dominant Methodists and Baptists reflects his awareness that the Episcopal Church was then able to take only a limited role in the direction of southern affairs, but his loyalty remained firm and his attitudes were fixed by a fragile aristocratic tradition which took as its strengths the very things the new South distrusted most, intellectualism, liberalism, and a dilute catholicism. When Murphy left the South he moved in the company of his wealthy patrons. The kindness which the mighty northerners showed Murphy would have done little to convince him that the society of en-

lightened aristocracy to which he addressed his appeals was, at least in the South, powerless, unconcerned, or non-existent.

The third failure whose history is part of Murphy's life was the failure of southern churches to act against the obvious injustices and to abjure the common prejudices which marked the period. Racial justice, a fashionable cause in the present, was not part of the ecclesiastical platform of the South in the decades following the war. Though exceptions undoubtedly existed, most denominational authorities were content simply to mirror the opinions of their constituency, and the average middle class southerner was able to find some satisfaction in the knowledge that despite the northern victory God still was on the side of those who knew that the Negro was intrinsically and eternally inferior, destined forever to a life of comparative poverty and illiteracy. Among Murphy's bitter enemies were those ill-education and small spirited clerics who were content to bask in the approval of their parishioners and official boards. The paths which lead toward ecclesiastical success shift with the winds of social change, and in the South the change had been in the direction of Jim Crowism. If Murphy had been able to claim the allegiance of the churches, his crusade would have enjoyed a greater measure of success, but the religion which dominated the South after the Great Awakening had no theological anchors which lay outside its provincial culture and therefore nothing which might call into question the ecclesiastical toleration of racial injustice.

When Murphy died in 1913, his heart worn out by his labors for the children, the illiterate, and the Negroes, the churches, the institution with which he had at first identified his cause, had failed to respond to his leadership and those 'good southerners' upon whom he had relied were submerged in a sea of radicalism. The theology which he had learned from Dr. DuBose had served to make him a much beloved but somehow rather confusing, perhaps even vacillating figure. He was always able, in his own words, to "see around two corners". Often he understood both the truth and difficulties inherent in the views for and against which he contended. The man whom Bailey portrays was incapable of hating anyone and able to

discover something hopeful in his worst reverses. This is the stuff saints are made of, but it hardly fires the imagination of the masses. Thus Murphy became the moderately successful leader of a cause which, at least during his lifetime, failed.

In his biography the two issues with which Murphy was chiefly concerned are brought into focus, and it is impossible to read the book without reflecting on the future of those historical issues which Murphy identified, and perhaps discovering some appreciation for his prophetic abilities. One pitiful result of the southern industrial revolution was the employment of hundreds of children, some no more than ten years old, in factories where they labored sixty hours a week. Murphy knew that this signaled the beginning of the displacement of the rural population, black and white, to those cities in which entire families could find employment. He understood that this chaotic immigration would mean more illiteracy, urban congestion, and, for many, unremitting economic servitude. Had his warnings been heeded the tragedy of the sixties, of Watts aflame and Washington besieged, might have been forestalled. The second historical factor which Murphy understood better than his contemporaries was the status of the Negro in the defeated South. He was among the first, perhaps still one of the few, to understand that psychological forces were conspiring to make emancipation an empty illusion. To some vocal segments of the northern press the rights of Negroes rested upon an irrefutable theory. Murphy, who always thought as a southerner, understood the disenfranchisement and enforced illiteracy of the southern Negro in its historical context. His insistence that no law be framed which seemed to punish one section of the country for a common failing reflected his awareness that to some degree the Negro in the South had become the hapless pawn in a continuing sectional struggle which the war had not finally resolved. Thus he urged that one approach which he believed would produce practical results and which would at the same time compel the conscientious assent of the southern middle class. He believed that the success of Negro Americans depended upon the availability of educational and economic opportunities. To Edgar Gardner Murphy prejudice was not so much some abstract guilt as it was a practical obstacle

which manifested itself in the willingness of white southerners to deny the Negro access to those skills which would enable them to become self-supporting and self-respecting. His archetypal opponents were Senator Vardaman of Mississippi, who believed that the attempt to provide education for southern Negroes would be abandoned, and those northern critics who failed to understand that no measure of theoretical liberty can help men who are in bondage to ignorance and grinding poverty. Murphy would probably see the present racial strife as a folly born of an unholy alliance between the Vardamans, those who out of bigotry would deny opportunity to the poor and illiterate, and those misguided theorizers who believe that in the long run a society or a government can impute to men virtues which are as yet only implicit. I suspect he would not be surprised that many of the leaders of the black revolt, are, in terms of our western tradition, intellectual and cultural illiterates.

James A. Patrick

Nashotah House

A Union Soldier in the Land of the Vanquished: The Diary of Sergeant Mathew Woodruff, June-December, 1865. Edited by F. N. Boney. (Tuscaloosa: University of Alabama Press, 1969. Pp. viii, 103, \$5.00.)

The hero of this little book is Sergeant Mathew Woodruff, a Federal soldier stationed at Pascagoula, Mississippi, and Mobile, Alabama, during the six months immediately following the Civil War. Professor Boney provides the biographical background, with emphasis on the war years, and his sometimes excessive footnotes contribute a store of additional information. It is Woodruff's diary, however, that forms the core of the book.

The brief daily entries, with all the misspellings and grammatical mistakes, present an insight into the frustrations and pleasures of a peacetime soldier. There are a wide range of topics covered: Woodruff's duties as first sergeant, discipline problems, hunting and fishing trips, and social activities. Be-

yond the soldier's immediate experience, the reader gets an "outsider's" view of a southern city during reconstruction.

Professor Boney describes Woodruff as "an apt symbol of his country's failure to win the peace." (p. 189). His misunderstanding of his role as part of an army of occupation, his dislike of black people, and his hostility toward Southerners were a part of that failure. Woodruff's personal failure came when he succumbed to the frustrations and deserted sixteen days before his regiment was discharged.

The diary of Mathew Woodruff is informative and entertaining. More important, it suggests problems related to "winning the peace" that are far beyond the specific historical experience of the author.

Sylvia Cook

West Georgia College

THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXI	I N D E X	1969
-----------	-----------	------

—A—

<i>A Glance at Old Cahawba</i>	178
<i>A Southern Student Describes the Inauguration</i>	237
<i>A Union Soldier in the Land of the Vanquished: The Diary</i> <i>of Sergeant Mathew Woodruff, June-December, 1865</i>	246
Abercrombie, James,	195, 197, 201
Achina Hatchie	209
Adams, John Quincy	185
Adjutants General, Alabama	23, 79, 112
Aids-de-camp to governor	23, 69, 79, 112
Alabama Bible Society	176
<i>Alabama Justice of the Peace</i>	172
Alabama, map of	220
Alabama River	222

<i>Alabama State Gazette</i>	179
<i>Alabama Watchman</i>	175
<i>Alabama's Hilliard: A Nationalistic Rebel of the Old South</i> ..	183
Alston, William J.	183
Amending and Revising the Alabama Constitution	33, 73, 123
American Party	201
Annexation of Texas	183
Antisse; see Auttossee	
Apportionment, 1819 Alabama Constitution ..	14-15, 35, 80, 81-82,
	84, 86, 95, 126, 138, 139, 148
Armstrong, James W.	37, 41, 53, 66, 68, 69, 70, 72, 76, 77, 78,
	80, 81, 82, 84, 85, 86, 90, 129, 147, 148
Auttossee,	217, 227

—B—

Bailey, Hugh C.	241
Bailey, Mrs. Richard	230
Bailey, Richard	216, 218, 227, 228, 229, 230
Bank, State	31-32, 123-124, 145-146
Banks	73-75, 76
Banks, Establishment of, 1819 Alabama Constitution ..	31-32, 123
Beck, W. R.	178
Benjamin Hawkins' Trip Through Alabama 1796	207
Bibb, John Dandridge	37, 41, 44, 45, 51, 53, 67, 68, 69, 70, 72,
	76, 77, 78, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 94, 129, 130,
	132, 148
Bibb, Thomas	37, 41, 44, 53, 57, 61, 62, 64, 66, 68, 69, 70, 71,
	74, 75, 76, 77, 78, 81, 82, 83, 84, 85, 86, 90, 94, 129, 132, 137,
	142, 143, 144, 145, 147, 148
Bibb, Dr. William Wyatt	94, 156, 157, 158, 162, 163, 164,
	168, 170, 171, 181
Bill of Rights	136
"Black Republican"	203
Boardman, John	43
Bogue Chitto Creek	155
Boney, F. N.	246
Boundaries, state	96
Breedin, B. B.	179
Brown, Isaac	37, 53, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81,
	82, 84, 85, 86, 90, 129, 147, 148

Brown, John.....	37, 53, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 147, 148, 181
Buchanan, President James	202, 237, 240

—C—

Cahaba	82
capitol, 166, 169	
chosen seat of government, 162, 171	
churches, 175	
description of, 166, 169	
removal of capitol, 180	
sale of lots, 165-66	
schools, 175-76	
Cahawba, see Cahaba	
<i>Cahawba Gazette</i>	179
<i>Cahawba Press & Alabama State Intelligences</i>	176, 178
Calabee Creek	217
Calabre Creek	215
Caloobe Creek, see Calabee Creek	
Campbell, John	38, 43, 51, 90, 92, 131
Cane, John	212
Cane, Vica	212
Carouzeaux, James	235
Cass, Lewis	185
Census,	138
Chambers, Henry	37, 41, 44, 45, 53, 55, 67, 68, 70, 71, 72, 75, 76, 77, 78, 81, 82, 84, 85, 86, 89, 94, 129, 132, 137, 141, 142, 144, 145, 148, 172
Chancellors	25
Channahatchee Creek	209
Chattahoochee River	221
Chewacla Creek	234
Chewockeleehatchee Creek	234
Chilatchee Creek	155
Chowolle Hatche	234
Circuit courts	23, 113, 143
Clay, Clement C.	37, 41, 42, 44, 45, 46, 52, 53, 55, 56, 61, 66, 67, 68, 69, 70, 71, 72, 75, 76, 77, 78, 81, 82, 84, 85, 86, 88, 89, 93, 94, 129, 130, 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 144, 145, 146, 148, 157, 162

Clay, Henry,	183, 192
Clayton, John M.	188
Clem, George	235
Clemens, Jeremiah	198
Clements, Benjamin	164
Cobb, Howell	189
Coleraine, Treaty of	210, 215, 216
Coley Creek	209
"Committee of Fifteen"	45, 55, 58, 59, 93, 95, 131-132, 162
Compensation of members, 1819 Alabama Constitution	88
Compromise of 1850	197
Comptroller of public accounts	22, 112
Conecuh River, 218; see Kongeau.	
Conner, David	38, 42, 44, 54, 66, 68, 69, 70, 72, 76, 77, 78, 80, 81, 82, 84, 86, 90, 129, 147, 148
Constitution of Alabama, 1819, 7-38; printing of , 44, 89 signed	89-90
Constitutional Convention, 162 committees, 49-50 printing and proceedings, 137 rules, 45-50	
Cooborne	226
Cook, Samuel	38, 42, 44, 54, 56, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 83, 84, 85, 86, 90, 129, 136, 147, 148
Cook, Sylvia	247
Cooloome	219, 226
Cornell, Alexander	210, 214, 216, 227
Cornell George	212, 214, 216
Cornell, James	212
Cornell, Joseph	212
Cornell, Mrs. Joseph	232
Cornell, Lucy	212
County boundaries	29, 120, 144
County, creation of	29, 82, 120
Court clerks	144
Courts of chancery	24, 29, 115, 119, 143
Colooswe	219, 221
Cowiligee	209
Crabb, Thomas D.	37, 42, 44, 54, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 138, 141, 147, 148

Crane Creek	235
Crawford, William H.	156, 158
Crocheron, John J.	175, 177, 179
Cross Crane Creek	234
Crowell, John	164
Cubahatchee Creek	219
Cuialegees Creek; see Kowaliga.	

—D—

Dallas County	155, 157, 167
Davis, Nicholas	37, 41, 44, 53, 66, 68, 69, 70, 71, 72, 76, 77, 81, 82, 84, 85, 90, 129, 148
Declaration of Rights	66, 96-100
Desoto, Hernando	155
Digest of the Laws of Alabama	30, 121, 172
Distribution of Powers, 1819 Alabama Constitution.....	11-12, 100
Divorces	29, 119 144
Drew, William	234
Duelling,	27, 118
Durant, Benjamin	224
Durant, Mrs. Benjamin (Sophie)	223, 231

—E—

<i>Edgar Gardner Murphy: Gentle Progressive</i>	241
Education	121-122, 132-133
Education, 1819 Alabama Constitution	30,31
Ellis, Richard	37, 42, 43, 44, 45, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 94, 129, 132, 147, 148
Eufalee	214, 215, 233, 234
Eufaubee: see Eufalee	
Eufaula Creek	209
Euffaulee; see Eufalee	
Euphabee; see Eufalee	
Executive Department, 1819 Alabama Constitution, 18-22, 67, 107-112, 140	

—F—

Fillmore, Millard	198, 199, 200
Fletcher, Elizabeth	218
Floyd, John	217

Forbes, Thomas	212
Fort Decatur	214
Franchise, 1819 Alabama Constitution, 12-13, 66-67, 94-95, 101	
Free-Soil movement	201
Fugitive Slave Laws	192

—G—

Gabriel, Henry	43
Gabriel, Thomas A.	43
Garrow, S. H. 38, 67, 68, 69, 70, 71, 72, 76, 78, 80, 81, 82, 84,	
85, 86, 90, 147, 148	
General Assembly 12-20, 23, 30, 66-67, 73, 78, 100-107, 109,	
121	
General Provisions, 1819 Alabama Constitution..... 27-30, 73,	
117-122	
General Ticket Laws	183
Georgia Party	172
Goff, Dr. John H.	207
Goldthwaite, George	187
Governor, 18-22, 23, 85-86, 107-112, 140	
Governor, impeachment	21, 111
Governor's Legislative sessions,	94
Governor's residence	22, 112
Great Seal	20, 109
Green Springs Academy	237
Grierson, David	212
Grierson, James	211
Grierson, Robert	210, 211, 218
Grierson, Thomas	211
Grierson, William	211

—H—

Halcyon, St. Stephens	95
Halfbreed Billy	213
Hanby, Gabriel 37, 44, 53, 66, 68, 69, 70, 71, 72, 76, 77, 78,	
80, 81, 82, 84, 85, 90, 129, 147, 148	
<i>Harriet</i> , Steamboat	171
Hawkins, Benjamin	207
Hemperley, Marion, R.	153, 207
Hendrick, William	177
Heustills, Dr. Jabez	170

Hickory Ground	226
Hillabee Town	208
Hillard, Henry	183, 203
debates Yancey, 196-98	
favors James Buchanan, opposes secession, 203-04	
moves to Georgia, 204	
opposes Mexican War, 184, 186	
Oregon question, 184-85	
<i>History of Early Cahaba, Alabama's First State Capital</i>	155
Hitchcock, Henry.....	37, 41, 43, 44, 45, 54, 56, 67, 68, 69, 70, 71, 72, 76, 78, 81, 82, 84, 85, 89, 90, 94, 129, 132, 134, 136, 137, 138, 139, 141, 142, 144, 148, 172
Hobbs, Sam Earle	153, 155
Hochilliwallies; see Hoithlewali.	
Hoithlewali	219, 227
Hollewaulee; see Hoithlewali.	
Holt, T. & G. & Co.	179
Hopkins, Anne	212
Hopkins, Arthur.....	37, 42, 44, 45, 54, 66, 68, 69, 70, 71, 72, 76, 78, 81, 82, 84, 85, 90, 94, 129, 132, 137, 138, 139, 141, 142, 146, 148
Horseshoe Bend	156
House of Representatives	117
House of Representatives, Speaker of	21, 22, 111
Howard, Capt. John	157
Huntsville,	83, 96
Hughes, Beverley	37, 41, 44, 45, 53, 60, 64, 66, 68, 69, 70, 71, 72, 76, 78, 81, 82, 84, 85, 86, 90, 94, 129, 132, 138, 141, 142, 145, 146, 148
Hutke, Emaule	232

—I—

Impeachments, 1819 Constitution	27, 117, 144
Inferior Courts	25, 115
Internal Improvements,	30, 121, 132-133

—J—

Jackson, Dr. Carlton	153
Jackson, James	38, 42, 44, 54, 56, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 136, 147, 148

Jackson, Walter M.	164
Johnson, Dr. Kenneth R.	153, 237
Journal of the Constitutional Convention, 1819, as reported in <i>The Alabama Republican</i>	129-50
Journals of the proceedings of this Convention, 59 printing 139	
Judges, Circuit Court	25, 69, 85
Judges, Supreme Court	25, 69
Judges, term of office	25, 83
Judicial Department, 1819 Alabama Constitution.....	23-26, 69-70, 76, 79, 85, 113-117
Juries	28, 118
Justices of the Peace	25, 69, 115

—K—

Kansas-Nebraska Act	201
King, William R.	38, 42, 44, 45, 54, 56, 59, 60, 63, 65, 66, 67, 68, 70, 71, 72, 74, 76, 81, 82, 84, 85, 86, 88, 90, 94, 129, 132, 133, 135, 136, 139, 140, 141, 142, 144, 145, 146, 147, 148, 162 163
Know-Nothings	202
Kongeau	218
Kowaliga Creek	209
Kreps, George	176

—L—

Lafayette, Gilbert Mortier, Marquis de	169, 173-74
Laine, Patrick	212
Leecawsah	221
Legislative appointment	147
Legislative Department, 1819 Alabama Constitution	12-18, 66-67, 100, 138
Line Creek	219
Low, Obediah	212

—Mc—

McGillivray, General, Alexander	225, 226
McGillivray, Daniel	225, 226
McGillivray, Lachlan	225
McLeod, Roderick	157
McMillan, Malcolm C.	93

McQueens, James	233
McVay, Hugh	38, 42, 44, 45, 54, 67, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 85, 86, 90, 129, 142, 147, 148

—M—

Magoffin, James 37, 42, 43, 53, 54, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 135, 147, 148	
Majors General	79
Marshall, Thomas	235
Mauvilla	155
Mead, Lemuel	37, 41, 44, 59, 77, 89, 129, 137, 138
Metcalf, William	37, 42, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 147, 148
Mexican War	187
Militia, 1819 Alabama Constitution.....	22-23, 68, 69, 79, 112-113, 142-143
Milledge, John	212
Milstead	210
Minor, Henry 37, 41, 53, 56, 65, 67, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 84, 85, 86, 89, 129, 133, 135, 136, 147, 148	
Mobile <i>Commercial Register</i>	93
Moore, David	167
Moore, Gabriel, 37, 41, 45, 50, 52, 53, 66, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 84, 85, 86, 89, 129, 134, 135, 138, 147	
Moore, James	233
Mucclassau; see Muklassa	
Muklassa	221
Murphy, John	37, 41, 45, 46, 54, 60, 62, 77, 78, 89, 94, 129, 132, 139, 140, 142, 144

—N—

Nashville Convention	193-94
Navigable waters	30, 83, 133
Neville, Bert	178
Noocooschepoo	219

—O—

Oath of office	27, 77, 35-36, 117-118, 120
Ohassee; see Auttossee.	
O'Rileu, John	209

*Original Draft of the Alabama Constitution of 1819 as Reported
by the Committee of Fifteen, Clement Comer Clay, Chairman,
The,93-128*

Otasse; see Auttossee

Ottassue; see Auttossee.

Owen, Thomas M.155

—P—

Panton, William212, 224

Patrick, James A.241

Penal code,30, 73, 121, 145

Penniman, Atherton T., Jr.176

Pensacola212

Perine, E. M.179

Pettigrew, Jane212

Philips, George37, 41, 44, 45, 53, 66, 68, 69, 70, 71, 72, 76,
77, 78, 80, 81, 82, 84, 85, 86, 90, 94, 129, 132, 144, 147, 148

Pickens, Israel37, 41, 43, 44, 45, 54, 55, 62, 64, 65, 66, 67, 68
69, 70, 71, 72, 74, 76, 77, 78, 81, 82, 84, 85, 86, 87, 88, 90, 92,
94, 129, 130, 132, 133, 134, 137, 141, 143, 145, 146, 148, 149,
180

Pickens, James37, 41, 44, 45, 54, 61, 64, 70, 71, 72, 76, 77,
78, 81, 82, 84, 85, 86, 89, 129, 134, 139, 144, 147, 148

Pinsausta218

Pintalla Creek, 218; see Pinausta

Polk, James K.184

Pound, William233

Powell, Levin180

Pugh, James L.187

—Q—

Quarter Masters General23, 112

—R—

Rather, Daniel131

Rhett, Robert Barnwell193

Roads30, 83, 133

Roberts, Lorenzo156

Roberts, Willis164

Rogers, Thomas Amis37, 41, 44, 53, 66, 68, 70, 71, 72, 76,
77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 135 147, 148

Rules, Constitutional Convention	45-50
Russell, James	227

—S—

Saffold, Reuben	37, 42, 44, 45, 54, 59, 63, 66, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 85, 86, 90, 94, 129, 132, 138, 141, 142, 144, 148
St. Stephens <i>Halcyon</i> ; see <i>Halcyon</i> .	
Sale	132
School lands	31-32, 121-22, 145
Scott, Winfield	198, 199, 200
Secretary of State	20, 29, 73, 109, 110, 119
Seibles, J. J.	188, 189, 193
Selma Jockey Club	180
Senate	117
Senate, President of the	21, 111
Seymore, James	212
Sheriff	22, 111, 141-142
Simms, Littlepage	42, 44, 54, 67, 68, 69, 70, 72, 76, 77, 78, 81, 82, 84, 85, 86, 90, 129, 147, 148
Slaves	73-75, 94, 95, 122-123, 231
Slaves, 1819 Alabama Constitution	32-33
Specie payment	31-32, 124
Standing rules of order and decorum for conducting business in the convention	46
State Bank	31-32, 123-124, 145-146
State House, appropriations for building	67
State House of Representatives,	12-18, 27, 79-80, 100-107
State Senate	12-18, 27, 100-107
State Senators	84, 85, 133-140
Steamboats	171
Stephens, Alexander H.	200
Supreme Court	23, 113, 143
Swift, J. W.	175, 176

—T—

Tallapoosa River	210
Tallassee	233
Tallassu	225
Taxation	83, 84, 95, 133

Taylor, John M.....	37, 41, 42, 44, 45, 51, 53, 59, 60, 61, 62, 63, 66, 67, 68, 69, 70, 71, 72, 74, 76, 77, 78, 81, 82, 84, 85, 86, 89, 94, 129, 132, 133, 134, 136, 138, 139, 141, 142, 144, 146, 148
Taylor, Zachary.....	185
Tensas, steamboat	171
Terrill, John D.....	38, 42, 44, 54, 56, 66, 68, 69, 70, 71, 72, 76, 77, 78, 80, 81, 82, 84, 85, 86, 90, 129, 136, 147, 148
<i>The Original Draft of the Alabama Constitution of 1819 as Re- ported by the Committee of Fifteen, Clement Comer Clay, Chair- man</i>	93-128
Thompson, Washington	38, 42, 44, 54, 66, 68, 69, 70, 72, 76, 77, 81, 82, 83, 84, 85, 86, 90, 129, 147, 148
Tindal, John L.	37, 41, 44, 54, 66, 68, 69, 70, 72, 76, 77, 78, 81, 82, 84, 85, 86, 90, 129, 147, 148
Tootsathe	219
Tooschehathe	219
Toulmin, Harry	38, 45, 50, 52, 53, 54, 56, 57, 60, 67, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 84, 85, 90, 132, 133, 134, 135, 136, 137, 139, 141, 142, 144, 147, 148, 172
Townes, John Leigh	37, 41, 44, 50, 53, 56, 66, 68, 69, 70, 71, 72, 76, 77, 78, 81, 82, 84, 85, 86, 89, 129, 133, 135, 139, 144, 148
Treason	27, 118
Treasurer	22, 112
Tuckabatchee	208, 209, 227, 232
Tuckabatchie	214
Tuscaloosa becomes capital	180-81
Tutwiler, Dr. Henry	237
Tutwiler, Henry, Jr.	237
Tyler, John	183, 184

—U—

Uphapee Creek; see Eufalee.

—V—

Vaughan, Melkijah	37, 42, 44, 54, 66, 68, 69, 70, 72, 76, 77, 78, 81, 82, 84, 85, 86, 90, 129, 147, 148
-------------------------	--

—W—

Walker, J. S.	176
--------------------	-----

Walker, John Williams	36, 38, 41, 42, 53, 129, 130, 135, 138, 139, 141, 142, 143, 144, 145, 146, 149 speech of 91-92, 130, 149-150, 163
Walker, Leroy Polk	201
Walker, Thomas T.	179
Watkins, John 37, 41, 44, 45, 54, 67, 68, 69, 70, 72, 76, 77, 78, 81, 82, 84, 85, 86, 89, 94, 129, 132, 148	
Weatherford, Charles	221, 222, 223
Weatherford, Mrs. Charles	224
Webster, Daniel	199, 200
West Florida	30-87
annexation of	65, 74, 135
Wetherford, Mrs. Sehoy McGillivray Tate; see Weatherford.	
Wetumcau	235
White, James	156
"White's Bluff,"	156
Wiggins, Thomas	37, 43, 44, 54, 66, 68, 69, 70, 72, 76, 77, 78, 81, 82, 84, 85, 86, 89, 132, 148
Wiley, Thomas H.	178
Williams, Marmaduke	37, 41, 43, 44, 53, 54, 66, 67, 68, 69, 70, 72, 76, 77, 78, 81, 82, 83, 84, 85, 86, 90, 129, 135, 137, 138, 140, 141, 148, 163
Wilmot Proviso	189
Winthrop, Robert C.	189
Wood, John	181
Wooton, William	177
Wright, Daniel	37, 42, 44, 54, 66, 68, 69, 70, 71, 72, 76 77, 78, 81, 82, 84, 85, 86, 90, 129, 148
Wright, James Abert	237

—Y—

Yancey, William L.	193, 195, 196-98, 203
-------------------------	-----------------------

THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXII SPRING and SUMMER, 1970 Nos. 1 & 2

Published by the

ALABAMA STATE DEPARTMENT

OF

ARCHIVES AND HISTORY



THE ALABAMA HISTORICAL QUARTERLY

Vol. XXXII SPRING and SUMMER, 1970

Nos. 1 & 2

CONTENTS

	Page
Reaction and Adjustment: The Struggle of Alabama Freedmen in Post-Bellum Alabama, 1865-1867 <i>by</i> <i>John B. Myers</i>	5
Birmingham and The "Dixiecrat" Convention of 1948 <i>by J. Barton Starr</i>	23
The Civil War Letters of Robert Tarleton <i>edited by</i> <i>William N. Still, Jr.</i>	51
The French Colony in Marengo County, Alabama <i>by</i> <i>Camillus J. Dusmukes</i>	81
Address at the Unveiling of the Bust of Gen. Holland M. Smith <i>by Lt. Gen. Robert Fairburn</i>	115
Book Reviews	121
Drake, <i>Novelists' America: Fiction as History,</i> <i>1919-1940</i> , <i>by Winston Smith</i>	121
Wooster, <i>The People in Power: Courthouse and</i> <i>Statehouse in the Lower South, 1850-1860</i> , <i>by</i> <i>J. Mills Thornton, III</i>	122

Milo B. Howard, Jr., Editor

Published by the
ALABAMA STATE DEPARTMENT
OF ARCHIVES AND HISTORY
Montgomery, Alabama

SKINNER PRINTING COMPANY

LLOYD STREET

MONTGOMERY, ALABAMA

CONTRIBUTORS

MR. C. J. DISMUKES is professor emeritus at North Georgia College, Dahlonega, Georgia.

LT. GEN. ROBERT R. FAIRBURN is commanding general, Marine Corps Supply Activity, Philadelphia, Pennsylvania.

MR. JOHN B. MYERS is a member of the history faculty at Florida State University, Tallahassee, Florida.

MR. J. BARTON STARR is a member of the history faculty at Florida State University, Tallahassee, Florida.

DR. WILLIAM N. STILL, JR., is a member of the history faculty at East Carolina University, Greenville, North Carolina.

REACTION AND ADJUSTMENT: THE STRUGGLE
OF ALABAMA FREEDMEN IN POST-BELLUM
ALABAMA, 1865-1867

By

John B. Myers

Active fighting begun between the Union and the Confederate armies had virtually ended in Alabama by April, 1865. Subsequently on May 4, 1865, the Confederate forces east of the Mississippi River commanded by General Richard Taylor officially surrendered at Citronelle, Alabama. At the same time approximately 439,000 former slaves became free.¹ Prior to this event some Negroes were freed in areas of Alabama occupied by Union troops, but for all practical purposes, emancipation came with Taylor's surrender.

At the war's end Alabama was in a chaotic state politically, economically, and socially. Her economic as well as human resources were seriously depleted. As a result of the war, an estimated 40,000 white Alabamians lost their lives. The fires of war ravaged homes and fields. Wide areas of northern Alabama had been laid waste by contending armies and guerilla bands. Most railroads were not in working order and bridges had been burned. Railroad companies were impoverished with liquidation impending.²

Montgomery, the capital city of Alabama and the original capital of the Confederacy, was occupied by Union forces. Not only the Confederate State's government but also state and local authority ceased to function in most sections of Alabama. Military forces exercised effective authority only in the immediate areas in which they were stationed.³

¹Elizabeth Bethel, "Freedmen's Bureau in Alabama," *Journal of Southern History*, XIV (February, 1948), 49; *Harper's Monthly*, XXXI (May, 1865), 259.

²John L. Hunnicut, *Reconstruction in West Alabama; The Memoirs of John L. Hunnicut*, ed. William S. Hoole (Tuscaloosa, Alabama, 1959), 16; Bethel, "Freedmen's Bureau in Alabama," 58; U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 70, 291.

³Allan Nevins, *The Emergence of Modern America, 1865-1878* (New York, 1927), 2-3; Whitelaw Reid, *After the War: A Tour of Southern States, 1865-1866* (London, 1866), 211-212, 374, hereafter cited as *After the War: A Tour*.

During May and most of June, 1865, Alabama had no legally constituted government. The period of time which elapsed between the date of surrender and the establishment of a provisional government amounted to nearly fifty days. It was not until June 21, 1865, that President Andrew Johnson appointed Lewis E. Parsons provisional governor for Alabama. According to the President's program, Alabama was to draft a new constitution and cooperate closely with the Freedmen's Bureau and military commanders.¹ It was under these conditions that Alabama Negroes were freed.

The Alabama's slaves' initial reaction to emancipation was varied. They usually received news of their freedom from invading Federal occupational troops or from masters. Such news was frequently followed by an atmosphere of great excitement and jubilee. Reports circulated throughout the state of freedmen being in a great commotion following their liberation² Many wanted to enjoy a long holiday and rejected the idea of work which seemed incompatible with their interpretation of freedom. Generally the former slaves appeared to lack confidence in their former masters and viewed their own former status as slaves with bitterness and revulsion.³ Under the slave institution implicit obedience was required, but to freedmen, obedience, like work did not seem consistent with freedom.⁴

Although some freedmen refused to labor, others, who were loyal to their masters, remained at work. Some were encouraged to stay by the rumor that property of their former masters would be divided at the end of the year among those who had worked the land as slaves. Other blacks, convinced that they would not be free as long as they remained on the plantations,

¹Hunnicut, *Reconstruction in West Alabama*, 16; John Witherspoon DuBose, *Alabama's Tragic Decade: Ten Years of Alabama, 1865-1875*, ed. James K. Greer (Birmingham, Alabama, 1940), 3.

²W. Swayne to L. E. Parsons, October 31, 1866, Lewis E. Parsons Personal Papers, Alabama Department of Archives and History, Montgomery, Alabama, hereafter cited as Parsons Personal Papers.

³William Fiske to George Whipple, March 14, 1866, American Missionary Association Archives, Fisk University Library, Nashville, Tennessee; W. Swayne to L. E. Parsons, October 31, 1866, Parsons Personal Papers.

⁴*Harper's Weekly*, X (February 10, 1866), 83; Charles Stearns, *The Black Man of the South and the Rebels* (New York, 1872), 328.

flocked to towns, army depots, or to refugee camps.⁸ Still others traveled about the state seeking members of their family separated by slavery.

The freedmen spent a great deal of their time on the move. In Clarke County, Alabama, the freedmen were reportedly in motion. "Marches and counter-marches were observed in various directions." A constant stream of freedmen of all ages and conditions were seen passing through Selma, Alabama, supposedly enroute to Mississippi or Tennessee. A Eufaula, Alabama, correspondent cited a great influx of Negroes from the countryside to the towns.⁹ Most of their traveling was done on foot. Alabama's transportation facilities were disrupted. The railroad accommodations which did exist were segregated and those designated for blacks were generally inadequate. Freight cars and open platforms were the most common facilities even though they were charged first class fares. On a train traveling from Opelika, Alabama, to Montgomery, Negroes were packed in a boxcar and huddled around a box stove to keep warm. Freedmen occasionally objected only to be admonished by whites. "You're free ain't you? Good as white folks? Then pay the same fare and keep your mouth shut."¹⁰

The movement of freed blacks to the larger towns was shown by the population increase in the counties of Mobile, Montgomery, and Dallas with a proportionate decrease in other counties. The Alabama census for 1866 revealed a marked shift

⁸Montgomery *Daily Advertiser*, September 9, 1865; Horace Mann Bond, "Social and Economic Forces in Alabama Reconstruction," *Journal of Negro History*, XXIII (July, 1938), 296; Edward Chambers Betts, *Early History of Huntsville, Alabama, 1804-1870* (Montgomery, Alabama, 1916), 105; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 43, 9.

⁹Grove Hill *Clarke County Journal*, October 19, 1865; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 43, 9; Montgomery *Daily Advertiser*, October 15, 1865; U. S. Department of War, *The War of the Rebellion: A Compilation of the Official Records of the Union and the Confederate Armies*, I Series, XLIX, Part II (Washington, D. C., 1897), 940, hereafter cited as *Official Records*.

¹⁰Reid, *After the War: A Tour*, 385-386; Nevins, *Emergence of Modern America*, 4; John Richard Dennett, *The South As It Is*, ed. H. M. Christman (New York, 1965), 293.

by the freedmen from rural to urban areas from 1860 to 1866.¹¹ Since slavery restricted most blacks to the plantation, the freedmen hoped the towns might afford better opportunities to them.

Sudden emancipation under any circumstances would have been attended by extreme hardship and suffering. The liberation of Alabama slaves in the post-war period, an era characterized by depression and scarcity, increased the freedmen's hardships considerably. Clothing was scarce. Blacks frequently possessed only the clothes they wore and had a slim chance to procure more. Negro housing in towns as well as rural areas was extremely poor. A village of huts was erected near the ruins of an armory in Selma. During cold weather freedmen huddled around a fire which stood in the middle of the shacks. A number of Montgomery Negroes lived on the old fair grounds in shelters erected out of pine poles. The settlement was appropriately named "Hard Times."¹² Those who did not construct homes frequently had to pay exorbitant rent. A poorly constructed barn with no fireplace cost twenty dollars per month. Some were not fortunate enough to find even poor living quarters and succumbed to the harsh weather. During the winter of 1865 a Montgomery newspaper reported frequent incidents of Negroes freezing to death in back streets.¹³

Not only were Negro dwellings inadequate but the sanitary conditions were atrocious. Food seemed to be as scarce as good housing. Both blacks and whites were starving. A news correspondent in Mobile was appalled to learn that many blacks subsisted mainly on refuse "which in ordinary times would hardly be given to a dog." The predicted horrors expected during the

¹¹U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 70, 241; Theodore Branter Wilson, *The Black Codes of the South* (Tuscaloosa, Alabama, 1965), 82; W. Swayne to L. E. Parsons, October 31, 1866, Parsons Personal Papers. In Dallas County (Selma) the Negro population increased from 25,840 in 1860 to 29,601 in 1866, Mobile County 12,571 to 16,684, Montgomery County 23,780 to 30,762 for a total increase of 14,756.

¹²Reid, *After the War: A Tour*, 369; *Mobile Daily Advertiser and Register*, July 21, 1865.

¹³Montgomery *Daily Mail*, January 11, 1866; Mrs. Dr. Wren to O. O. Howard, December 11, 1865, Oliver Otis Howard Papers, Hawthorne-Longfellow Library, Bowdoin College, Brunswick, Maine, hereafter cited as Howard Papers.

winter of 1865 were described as "the very valley of the shadow of death." It was estimated that in Alabama alone 200,000 persons were in danger of extreme suffering and starvation during the 1865 winter.¹⁴ Under such circumstances it was no wonder that there were widespread reports of pilfering by blacks. Food was at a premium and a stray chicken, hog, or turkey was subject to seizure. Significantly blacks were not the only petty thieves. Whites also resorted to stealing to keep themselves alive.¹⁵

Inadequate housing, clothing, transportation, and food contributed to widespread outbreaks of disease. Tuberculosis, venereal disease, yellow fever, and smallpox were common among freedmen and frequently caused death or permanent damage. The lack of medical facilities resulted in disease reaching epidemic proportions. Entire communities were stricken with smallpox and other malignant diseases.¹⁶

During the hot summer months yellow fever raged in the Alabama coastal regions. Mobile reported a large number suffering from the disease during the summer of 1865.¹⁷ With the approach of winter came the outbreak of dreaded smallpox. Huntsville, Tusculumbia, Eufaula, Selma, Athens, Mobile, and Montgomery reported widespread occurrence of the disease during the winter of 1865-1866. Extreme measures were taken to control the spread of smallpox. In Eufaula, Alabama, the head of the family was to report any occurrence of the disease in his family or be fined \$50.00¹⁸ When a Negro woman died of smallpox in Limestone County, the owner of the dwelling threatened to burn the house if the Freedmen's Bureau did not remove the body. Freedmen were accused of bringing smallpox into the

¹⁴New York Times, June 12, 1865. U. S. Congress, *Congressional Globe*, 39th Congress, 1st Session Part I, 94.

¹⁵*Harper's Weekly*, IX (December 16, 1865), 786; Henderson Donald, *The Negro Freedman* (New York, 1952), 179; Benjamin Averitt to L. E. Parsons, no date, 1865, Lewis E. Parsons' Official Papers, Alabama Department of Archives and History, Montgomery, Alabama, hereafter cited as Parsons Official Papers.

¹⁶Foster B. Zincke, *Last Winter in the U. S.* (London, 1868), 132, hereafter cited as *Last Winter*; Donald, *The Negro Freedman*, 180.

¹⁷Zincke, *Last Winter*, 158; *Mobile Daily Advertiser and Register*, July 21, 1865.

¹⁸*Ibid.*, March 7, 1866.

towns from the countryside. A wagon-load of ailing Negroes was brought into Montgomery to be treated for smallpox much to the dismay of the town's inhabitants who demanded a quarantine. Such an event further solidified the belief that the disease was more common among blacks¹⁹ This accusation was probably true. The higher death rate from smallpox among freedmen could doubtlessly be attributed to the squalid conditions under which they lived. In a forty day period 400 Negroes died in a camp near Montgomery. Some whites believed that the high Negro mortality rate gave credence to their claims that the black population in the United States would soon die out.²⁰ Those whites stricken by smallpox were described as "careless in their habits and do not scruple to mix very intimately with their sable friends."²¹

Most areas handled smallpox in a similar manner. Those afflicted were isolated from the healthy inhabitants by being placed in a community pest house. In Montgomery, Athens, and Huntsville ambulances toured the streets conveying all suspicious cases to designated places.²²

Besides inadequate material necessities and poor health, the freedmen's difficulty in adjusting to freedom was complicated by the attitude of white Alabamians. Many of them did not accept emancipation gracefully. They could hardly conceive of black men as anything other than chattels. White Alabamians generally assumed that the Negro occupied a middle ground between the human and the animal. Some predicted eventual Negro extinction caused by the Negro's licentious nature and his reputed refusal to marry. Others attributed the possible decline to the Negroes' inability to take care of them-

¹⁹Huntsville *Daily Independent*, March 8, 1865; Joshua Burns Moore Diary, March 11, 1866, Alabama Department of Archives and History, Montgomery, Alabama (Typed copy, original in possession of Earnestine Devours, Laurel, Mississippi); Grove Hill *Clarke County Journal*, January 18, 1866.

²⁰Chicago *Tribune*, September 2, 1865; Mobile *Daily Advertiser and Register*, July 21, 1865.

²¹Dr. T. R. Will to W. L. Coleman, December 6, 1865, Parsons Official Papers.

²²Huntsville *Daily Independent*, January 20, 1866; Athens *Post*, February 17, 1866; Dr. T. R. Hill to W. L. Coleman, December 6, 1865, Parsons Official Papers.

selves.²³ Many thought that the blacks, stripped of their protection under slavery, could not exist. More important it was believed that the absence of plantation discipline left white women unprotected from the degraded black male. Furthermore, there was a widespread fear that Negroes would seek revenge against whites.²⁴ Many white Alabamians professed that no two races considered so unequal as the Caucasian and the Negro could coexist upon any terms except as master and servant. They felt one must give way to the other and "it is not difficult to determine which one will do the giving."²⁵

The former slaveholding class was only slightly less hostile to emancipation than poor whites. They had gone to war to defend slavery and seemed unwilling to accept the death of the peculiar institution.²⁶ Though few men believed slavery could be restored, John W. Alvord, a Freedmen's Bureau agent, observed that public talk in Montgomery seemed to indicate a fixed purpose to oppose the freedmen's elevation. Benjamin C. Truman, appointed by the President to view conditions in the South, said that "when one believes that a race of beings is incapable of advancement he is prone to withhold the means of advancement. . . ."²⁷ In a few remote areas where Federal troops had not penetrated there were attempts to keep the Negroes as bondsmen. Outside Union Springs, Alabama, William C. Jordan, a former Confederate, was charged by military authorities for violation of his parole for refusing to emancipate his slaves.²⁸

²³Edward Hawthorne Moren to his wife, December 4, 1865, Edward Hawthorne Moren Papers, Alabama Department of Archives and History, Montgomery, Alabama, hereafter cited as Moren Papers.

²⁴Montgomery *Daily Mail*, May 16, 1865; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 43, 8; Grove Hill *Clarke County Journal*, September 28, 1865.

²⁵Montgomery *Daily Ledger*, August 7, 1865; Mobile *Daily Advertiser and Register*, July 21, 1865.

²⁶*Congressional Globe*, 39th Congress, 1st Session, Part I, 94; W. E. B. DuBois, *Black Reconstruction in America* (Philadelphia, 1935), 138; John W. Alvord to O. O. Howard, December 3, 1865, Howard Papers.

²⁷U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 43, 9.

²⁸H. E. Sterkx, "William C. Jordan and Reconstruction in Bullock County, Alabama," *Alabama Review*, XV (January, 1962), 64; U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 70, 291.

Prejudices and bitterness directed toward the freedmen were not restricted to the white planter class. Though the poor whites reputedly had been injured by slavery, they were more concerned with separating themselves from blacks than they were in changing their status in southern society. They felt their individuality as a class could be continued by the barrier which had existed between themselves and the Negro slaves. Paul H. Buck claimed that poor whites hoped to maintain their position in society by making former slaves realize that the will of the white man would still prevail. To poor whites emancipation represented future social and economic dangers seemingly far greater than the continued superiority of the planter class. Blindly this group of whites sought to perpetuate a system which had virtually condemned them to a caste for 200 years.²⁹

Racism was only one reason for opposition to emancipation. The entire labor system had been upset. Former masters as a rule were skeptical of free Negro labor and viewed the future pessimistically. In 1865 Whitelaw Reid, a northern journalist traveling in Alabama, noticed that planters seemed to have no faith in Negro labor unless they "had the power to apply the lash."³⁰ Carl Schurz sensed a prevailing opinion among Alabama planters that the Negro would not work unless compelled by force.³¹ A Union soldier on a reconnaissance mission in southeastern Alabama found that the freedmen accepted and understood their position much sooner than former masters. He was told by a planter: "If we cannot whip the Negro, they and we cannot live in the same country."³²

The white attitude toward former slaves resulted in many abuses. The volatile atmosphere was intensified by Alabama

²⁹W. M. Brewer, "Poor Whites and Negroes in the South Since the Civil War," *Journal of Negro History*, XV (January, 1930), 26; Paul H. Buck, "Poor Whites in the Ante-Bellum South," *American Historical Review*, XXXI (October, 1925), 54.

³⁰Walter L. Fleming, *The Sequel of Appomattox* (New Haven, Connecticut, 1921), 47; Reid, *After the War: A Tour*, 372.

³¹John T. Trowbridge, *The South: A Tour of Its Battlefields and Ruined Cities* (Hartford, Connecticut, 1867), 432; Carl Schurz, "Can the South Solve the Negro Problem?" *McClure's Magazine*, XXII (January, 1904), 260.

³²*Official Records*, I Series, XLIX, Part II, 1042.

being predominantly rural and characterized by frontier ruggedness and individualism. Such traits were further aroused by the lack of organized governmental restraint which frequently led to vigilante action.³³

Matters were complicated by the breakdown of civil law enforcement. General Charles R. Woods, commander of the Federal troops in the Department of Alabama, listed several counties which had neither civilian nor military authority. He said civil officials were either unable or unwilling to enforce the law. Woods claimed that "such conditions keep the rest of the community in fear of having their homes burned or losing their lives."³⁴ Even in areas where Union soldiers were garrisoned, the military was not always effective. Huntsville, Alabama, suffered robbery, murder, arson, and rapine at the hands of marauding bands. The streets of the town were crowded with the drunken and debauched. Thomas W. Conway, the Superintendent of Labor for the Department of the Gulf, called for provost marshals and troops in each county to secure order and provide proper police protection. He said that the freedmen had to be protected by the power of the Federal government or "thousands of blacks would be slain."³⁵ Carl Schurz reached the same conclusion. "When colored people are in the hands of bad ele-

³³T. B. Callis to W. Swayne, June 7, 1866, General Wager Swayne Papers, Alabama Department of Archives and History, Montgomery, Alabama, hereafter cited as Swayne Papers; Hunnicut, *Reconstruction in West Alabama*, 22.

³⁴Carl Schurz to Andrew Johnson, August 29, 1865, Andrew Johnson Papers, Florida State University, Tallahassee, Florida (Microfilm, original in the Library of Congress, Washington D. C.); James D. Richardson, ed., *A Compilation of the Messages and Papers of the Presidents, 1789-1902* (New York, 1903), VI, 323-324; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 2, 66. On May 17, 1865, Alabama was designated as a part of the Department of the Gulf commanded by General E. R. S. Canby in New Orleans. On June 27, 1865, the Department of Alabama was created with headquarters at Mobile. This department was divided into 4 districts commanded by General Charles R. Woods.

³⁵Betts, *Early History of Huntsville*, 12; L. E. Parsons to Andrew Johnson, October 2, 1865, Governor Lewis E. Parsons Letterbook, Alabama Department of Archives and History, Montgomery, Alabama, hereafter cited as Parsons Letterbook; *Official Records*, I Series, XLIX, Part II, 954.

ments," Shurz wrote President Johnson, "such things inevitably lead to acts of violence an apprehension."³⁶

Military occupation seemed to agitate an already tense situation. Especially the presence of black soldiers aroused much disgust and apprehension. Some of the blacks who served as occupational troops had formerly been Alabama slaves. Former owners took their presence as a personal affront. In Mobile a citizen remarked, "There is my Tom. How I would like to cut the throat of that impudent good-for-nothing."³⁷

Alabama civil authorities attempted to cope with the lawlessness. In July, 1865, Governor Parsons directed several sheriffs to provide a sufficient number of well-armed deputies to preserve peace in their respective counties. In September, 1865, temporary volunteer military organizations were established on a county-wide basis. These organizations were authorized to assist the civil authorities only in case of emergency.³⁸

These local militias were organized more to control than protect the Negro. They patrolled the highways in the central part of the state. No freedman was permitted to travel without a pass signed by his master. Since many blacks left plantations after emancipation, large numbers without passes were apprehended. Captain W. A. Poillon, a Freedman's Bureau agent in Mobile, received reports of organized patrols with hounds guarding the highways. "The Negro does not know whether to leave the plantation and be harassed or remain on the plantation and be brutalized," Poillon lamented.³⁹ Reports persisted of the mili-

³⁶Carl Schurz to Andrew Johnson, September 5, 1865, Andrew Johnson Papers.

³⁷John Hope Franklin, *Reconstruction After the Civil War* (Chicago, 1961), 35; James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge, Louisiana, 1967), 50-51; Reid, *After the War: A Tour*, 213.

³⁸L. E. Parsons to Andrew Johnson, October 2, 1865, Parsons Letterbook; Adjutant Report to Robert M. Patton, no date, 1866, Robert M. Patton Papers, Alabama Department of Archives and History, Montgomery, Alabama; L. E. Parsons to J. C. Moorehead, November 11, 1865, Parsons Official Papers.

³⁹U. S. Congress, *House Reports*, 39th Congress, 1st Session, No. 30, part III, 8; U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 70, 285; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 2, 11.

tia robbing freedmen, shooting them on public thoroughfares for refusing to halt, and lodging them in jail for traveling without a pass.⁴⁰

Alabamians rationalized the militia's actions as being necessary to prevent a black uprising. Fear of insurrection was widespread among whites, but the fear was generally without foundation. Some applied the term insurrection in the loosest sense. Disrespect and insubordination among freedmen were considered synonymous with rebellion. Accusations of insubordination among blacks ranged from failure to doff their hats when approaching whites to refusal of beatings.⁴¹

Prior to the Christmas holidays in 1865, there was statewide apprehension of a Negro revolt. Idle freedmen who awaited the rumored grant of forty acres and a mule were indeed restless. As Christmas approached, blacks were reported arming themselves with all available weapons. In Eufaula, Alabama, freedmen supposedly held large quantities of arms and ammunition.⁴² Similar reports circulated from Russell and Shelby Counties. "The Negroes are becoming impudent, and unless something is done I fear the consequences," M.D. Sterrett warned Governor Parsons.⁴³

The insurrection never occurred, and the violence that did result was carried on by whites. Negro homes in Lowndes County were broken open, searched, and firearms along with other personal possessions were seized under the pretense of preventing an insurrection. Russell and Chambers counties described

⁴⁰*Congressional Globe*, 39th Congress, 1st Session, part I, 94.

⁴¹Reid, *After the War: A Tour*, 386-387.

⁴²Bond, "Social and Economic Forces in Alabama Reconstruction," *Journal of Negro History*, XXIII (July, 1938), 296; Thomas Frederick Woodley, *Thaddeus Stevens* (Harrisburg, Pennsylvania, 1934), 485; see also Fawn M. Brodie, *Thaddeus Stevens, Scourge of the South* (New York, 1959); C. J. Pope to L. E. Parsons, December 11, 1865, Parsons Official Papers.

⁴³M. D. Sterrett to L. E. Parsons, December 11, 1865; C. J. Pope to L. E. Parsons, December 11, 1865; R. C. Toney to H. B. Cooper, September 23, 1865, Parsons Official Papers.

similar situations. Eufaula freedmen complained that their homes were ransacked and money taken. In several other instances Alabama civil authorities, backed by militia, searched freedmen's homes for weapons without the sanction of the occupants.⁴⁴

Such action by whites was partially understandable considering the muddled condition of Alabama authority, but most significant was that the whites' worst fears of insurrection were unfounded. Nevertheless, the homes of innocent freedmen had been pillaged purportedly because of their possession of weapons. Wager Swayne, assistant commissioner of the Freedmen's Bureau, was aggravated by the intrusions upon the rights of Negroes. He reminded Alabamians that the Constitution of the United States espoused the right of the people to bear arms. Furthermore, all citizens were to be protected against unreasonable search and seizure. Swayne emphasized that Federal troops were in Alabama to protect all people.⁴⁵

Violence in Alabama became more the rule than the exception. Crimes of all types were committed in 1865. Men roved in large bands, day and night, taking the law into their own hands. Violence was not directed only against blacks. Many whites felt much more secure by spending their evenings in their homes "due to the prevalence of crime and robbery."⁴⁶ Nevertheless, abuse was aimed primarily at black people. Northern travelers gave some examples of such abuse. A horse obviously abandoned by a Union soldier was found by a freedman and was taken to the plantation. The master claimed the horse after recognizing its good quality. The Negro sought aid from the Freedmen's Bureau and returned to the plantation with an order verifying his claim. The perturbed master wielded a gun and threatened

⁴⁴U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 70, 292; M. D. Sterrett to L. E. Parsons, December 11, 1865, Parsons Official Papers; *Montgomery Daily Advertiser*, January 25, 1865.

⁴⁵Grove Hill *Clarke County Journal*, January 18, 1866; *New York Times*, March 26, 1866; *Montgomery Daily Advertiser*, January 25, 1866.

⁴⁶Grove Hill *Clarke County Journal*, September 7, 1865; Edward Hawthorne Moren to his wife, December 4, 1865, Moren Papers.

to kill the Negro if he was bothered again. When a train stopped in a station or a boat at a landing whites reportedly spent the delays tormenting blacks who wished to board.⁴⁷

Some whites carried their abuses of freedmen to atrocious extremes. Cases reported at the hospital in Montgomery indicated that many freedmen who deserted the plantations were savagely treated. Thomas W. Conway saw freedmen with slashed throats and without ears. A New York *Times* correspondent in Mobile said former planters relieved their frustrations of defeat and subjection by severing the ears, noses, and lips of former slaves. In one day five freedmen came into Montgomery with their ears severed. Others appeared with slit throats and marks left by beatings.⁴⁸

Some whites were not satisfied merely to abuse freedmen. Twelve cases in which Negroes had been killed by whites were reported to the provost marshal in Selma. In the same town a freedman was hanged by his thumbs and subjected to gross mistreatment for a week before he was beaten to death with a club. In Decatur a drunken ex-Confederate shot an innocent Negro through the head. The civil authorities refused to take action but warned him to stay out of sight for a day or two. A Montgomery Negro returning home surprised some white men robbing his wife. He was shot in the head.⁴⁹

Murders of freedmen were most frequent in the former large slaveholding areas. A Negro plantation foreman in Pickens County was mutilated and murdered after he complained about his wages. The assistant superintendent of the Freedmen's Bureau in Clarke County reported three freedmen hanged

⁴⁷J. Silsby to E. M. Strieby, December 26, 1866, American Missionary Association Archives; Trowbridge, *The South: A Tour*, 429; New York *Times*, June 12, 1865.

⁴⁸*Official Records*, I Series, XLIX, Part II, 954; New York *Times*, June 12, 1865; U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 2, 70-71; Claude M. Fuess, *Biography of Carl Schurz* (New York, 1932), 135.

⁴⁹U. S. Congress, *Senate Executive Documents*, 39th Congress, 1st Session, No. 2, 18, 72; James T. Sawyer to J. J. Giers, May 30, 1866, American Missionary Association Archives; T. B. Callis to W. Swayne, June 7, 1866, Swayne Papers.

by their former masters in April and May. In the same county a planter hanged a freedwoman in the presence of his neighbors only three weeks after he had killed the woman's husband. Near Bladon Springs a Negro was shot outside his former master's premises and dragged into the stable to make it appear that he had been caught stealing. In the same area a freedman was chained to a tree and burned to death. A Bladon Springs preacher claimed the road in Choctaw County "stunk with dead bodies of servants who fled their masters."⁵⁰

Evidence from various sources indicated numerous crimes and murders committed against freedmen. The total number could not be ascertained but the figures were not necessary to prove that violence was a common characteristic of Alabama.⁵¹

Even if there had been no violence, the condition of Alabama freedmen would have been appalling after their emancipation in 1865. They were without education and many economic necessities. Sudden emancipation placed them in a state of political, social, and economic limbo. They needed assistance to adjust to their new status. The Federal government took a major step in providing such assistance on March 3, 1865, by creating the Bureau of Refugees, Freedmen, and Abandoned Lands. The Secretary of War was directed to issue provisions, clothing, and temporary shelter for suffering refugees and freedmen. The President appointed Major General Oliver O. Howard as Bureau Commissioner. Assistant commissioners were appointed for each insurrectionary state.⁵²

⁵⁰U. S. Congress, *House Reports*, 39th Congress, 1st Session, No. 30, part III, 8; Walter L. Fleming, *Documentary History of Reconstruction* (2 vols.; Cleveland, Ohio, 1906), II, 68-69.

⁵¹Fleming, *Documentary History of Reconstruction*, I, 69; John A. Carpenter, "Atrocities in the Reconstruction Period," *Journal of Negro History*, XLVII (October, 1962), 237, 241-242.

⁵²U. S. *Statutes at Large*, XIII, 507-508; U. S. Department of War, *General Orders of the War Department*, No. 91, May 12, 1865, hereafter cited as *General Orders*.

General Wager Swayne was designated assistant commissioner for Alabama on June 20, 1865. Swayne, a native of Ohio, was the son of a U.S. Supreme Court justice and one of Howard's former officers.⁵³ The Bureau did not go into operation under Swayne's direction until July, 1865. Prior to his arrival the Alabama Bureau was conducted by Federal military authorities. The organization at first was experimental but began to take shape by November, 1865. Bureau officers were to advise and protect freedmen and to care for the sick and impoverished.⁵⁴

The most pressing task facing the Bureau was the issue of rations to starving black and white Alabamians. A ration was supposed to feed a person for one week and usually consisted of corn meal, pork or fat back, flour, and sugar. Children under fourteen were allowed half rations.⁵⁵ Thousands of people depended upon Bureau rations for food. In November, 1865, more than 70,000 rations were issued. It was thought that less food would have to be provided the next year, but in the early part of 1866 the material condition of Alabama became worse. With the scant crop of 1865 exhausted, the situation became desperate. In June alone, 792,349 rations were issued. During an eleven-month period, November, 1865, to September, 1866, the Freedmen's Bureau issued a total of 3,789,788 rations in Alabama. Approximately 166,589 whites and 72,115 freedmen received rations.⁵⁶

⁵³Bethel, "Freedmen's Bureau in Alabama," 49; DuBose, *Alabama's Tragic Decade*, 32.

⁵⁴*General Orders*, No. 102, May 31, 1865.

⁵⁵U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 11, 49.

⁵⁶Bethel, "Freedmen's Bureau in Alabama," 64; W. Swayne to L. E. Parsons, October 31, 1866, W. Swayne to L. E. Parsons, September 30, 1867, Parsons Personal Papers. From November, 1865, to October, 1866, 54,381 white adults and 112,208 white children received rations as compared to 32,928 black adults and 39,187 black children. From December, 1866, to August, 1867, 40,341 white adults and 86,906 white children, a total of 127,247 received rations. For the same nine-month period 16,457 black adults and 25,134 black children, a total of 41,591, were issued rations.

Since more whites than blacks received rations, there were some charges of fraud and discrimination. The superintendent of the Bureau in northern Alabama claimed that "I am confident if rations are delivered to local authorities for distribution, the colored people would receive no benefit from them."⁵⁷ These accusations were difficult to substantiate and were probably exaggerated. There were very large numbers of indigent whites in northern Alabama which accounted for a part of the racial disparity of issued rations.⁵⁸

The Bureau was aided by other state and private relief agencies. The National Freedmen's Relief Association provided clothing and food for Alabama freedmen. The Southern Famine Relief Committee of New York was a major source of food. Supplies sent to Alabama were consigned to M. H. Cruikshank, commissioner of destitution, and to the assistant commissioner of the Bureau. These rations were distributed by selected citizens who worked in conjunction with the judges of probate and Bureau agents. The American Union Commission also issued a relief appeal in behalf of indigent blacks in Alabama. Still the Freedmen's Bureau contributed the most toward the relief of blacks and whites in Alabama.⁵⁹

Freedmen who were without food, shelter, and gainful employment were gathered in temporary Bureau colonies until they could be relocated. The colonies were centrally located and provided aid to the indigent, sick, and aged of both races. These Bureau camps consisted of a number of cabins for orphans, a shelter for persons in transit, and a hospital for the sick.⁶⁰ The colony system was established to provide freedmen with a place

⁵⁷J. B. Callis to W. Swayne, June 7, 1866, Swayne Papers.

⁵⁸W. Swayne to L. E. Parsons, October 31, 1866, Parsons Personal Papers.

⁵⁹*Harper's Weekly*, X (February 10, 1866), 83; *New York Times*, June 6, 1865; *Mobile Weekly Advertiser*, January 6, 1866; *Huntsville Daily Independent*, January 17, 1866; W. Swayne to L. E. Parsons, September 30, 1867, Parsons Personal Papers.

⁶⁰*New York Times*, August 17, 1865; *Montgomery Daily Advertiser*, September 9, 1865.

to stay until they could find work. Those blacks who desired labor erected buildings and shelters for no compensation other than food and shelter. In September, 1865, the freedmen's colony in Mobile reported the arrival of many old and indigent blacks who were driven off the plantation because they were no longer useful to their former masters. In Huntsville a colony occupied an abandoned plantation. Under the Bureau's direction freedmen were growing 400 acres of cotton and corn⁶¹

Temporary food and shelter were not enough. The freedmen also needed medical assistance. The Bureau began to establish hospitals in September, 1865. Clothing and blankets rejected by the army as defective, rations, medicine, and fuel were supplied to the hospitals.⁶² During the smallpox epidemic in the winter of 1865 the hospitals treated the sick, burned infected garments and supplied new ones to convalescents. Freedmen's Bureau hospitals were located in Mobile, Selma, Garland, Montgomery, Demopolis, Huntsville, and Talladega. During the period from 1865 to 1867, the Bureau hospitals treated approximately 9,859 freedmen and 473 white patients. When the accumulations of sick were released, the hospitals remained occupied by victims of criminal assault and accidents.⁶³

The Freedmen's Bureau or some similar relief organization was necessary in Alabama during the months immediately following the war. The provisions of rations, clothing, shelter, and medical attention prevented starvation and death. But the Freedmen's Bureau's efforts provided only temporary aid to the destitute blacks.⁶⁴ Obviously Alabama freedmen required a more permanent type of assistance. The legal recognition of the former slaves as free men in Alabama became a necessary step

⁶¹W. Swayne to L. E. Parsons, October 31, 1866, Parsons Personal Papers; U. S. Congress, *House Executive Documents*, 39th Congress, 2nd Session, No. 1, 742.

⁶²W. Swayne to L. E. Parsons, October 31, 1866, Parsons Personal Papers; W. Swayne to L. E. Parsons, October 4, 1865, Parsons Official Papers.

⁶³W. Swayne to L. E. Parsons, September 30, 1867, Parsons Personal Papers.

⁶⁴*St. Louis Post Dispatch*, December 21, 1865; *Cincinnati Commercial*, March 17, 1866.

in their behalf. Freedmen hoped to gain equality before the law, the right to testify in courts, and sit on juries. They saw no reason to be deprived of the privileges of freedom which other Alabamians enjoyed.⁶⁵ Whites could not be depended upon to treat the former slaves fairly.⁶⁶ Therefore, freedmen needed adequate state laws to guarantee their rights as well as sincere assistance from individuals upon whom they could rely. Alabama's situation required such measures if the state was to emerge from the depths of chaos and violence.

⁶⁵James M. McPherson, *The Struggle for Equality* (Princeton, New Jersey, 1964), 174; W. Fiske to G. Whipple, March 14, 1866, in American Missionary Association Archives; St. Louis *Post Dispatch*, December 21, 1865.

⁶⁶Herbert Aptheker, *A Documentary History of the Negro in the United States* (New York, 1951), 533.

BIRMINGHAM AND THE "DIXIECRAT" CONVENTION OF 1948

by

J. Barton Starr

Birmingham is a symbol of how much and how desperately one-party Southerners feel moved to do in order to have any place to go when they are unwilling to vote Democratic. The place they are building themselves is of temporary—not to say momentary—construction. It has cost them considerable pains, in the course of which they have made a rather frantic spectacle of themselves.¹

The year 1948 would prove to be one of the most interesting in the annals of American presidential elections. Early in the year the race was already shaping up as a three-way contest with Henry A. Wallace's People's Progressive Party entering the field against the two major parties. But this was just the beginning. Southern conservatives, angered over President Truman's call for civil rights legislation, entered the fray. First, they joined the political scramble as a dissatisfied faction of the Democratic party set on unseating Truman in the national convention. Soon, however, many of these dissenters were to leave the party of their fathers in an open revolt against Truman and his policies.

The year 1948 also seemed to be an exceptionally opportune time for such a split as it was assumed that the "accidental" President could not be reelected. As one Alabama State Senator wrote, "President Truman is out of the picture, he is a lost ball in high grass of discord and unrest." With the loss of the presidency, of course, would go the loss of patronage. Therefore,

¹St. Louis *Post-Dispatch*, July 16, 1948.

²Tully A. Goodwin to Marion Rushton, April 20, 1948. Marion Rushton Papers, Correspondence (Alabama State Department of Archives and History, Montgomery, Ala.). Rushton was a National Committeeman from Alabama.

when the Democratic party's period of rule seemed near its conclusion, the revolt broke into open political warfare.³ One contemporary political writer did not take the revolt as seriously. He wrote,

It has become Southern custom since 1932 for the Claghorns to rise up early in an election year and serve notice, in the name of Robert E. Lee and White womanhood, that they are not to be taken for granted by the Democratic Party. They have their pride—and they also have their price. President Truman's special request for civil-rights legislation touched off this year's rising, but there is little doubt that it would have come in any case. It has been part of the election scene ever since the Democrats abolished the Southern veto at Presidential conventions by scrapping the two-thirds vote requirement.⁴

Even before Truman requested congressional action on civil rights, there were some indications that a revolt was in the making, thus giving some credence to the above mentioned seriocomic observation. In his inaugural speech on January 20, 1948, Governor Fielding L. Wright, of Mississippi sounded the call for revolt. He argued that the civil rights proposals were "aimed to wreck the South and our institutions," and even though he regretted the prospect of a split in the Democratic party, "vital principles and eternal truths transcend party lines, and the day is now at hand when determined action must be taken."⁵ On January 26, at the annual meeting of the State Democratic Executive Committee of Alabama, a resolution was unanimously passed which stated in part: "That the Democrats of Alabama would be most deeply hurt, shocked and disillusioned should any attack upon racial segregation be adopted as a plank in the 1948 party platform or directly or indirectly as an expression of party policy That such an action by the

³Richard Hofstadter, "From Calhoun to Dixiecrats," *Social Research*, XVI (June, 1949), 143.

⁴*The Nation*, CLXVI (February 14, 1948), 174.

⁵V. O. Key, Jr., *Southern Politics in State and Nation* (New York, 1949), 330.

National leadership of the Democratic party could but force every Southerner into the undesired position of determining which is the greater loyalty, that to the South, or that to the party."⁶ Senator James O. Eastland of Mississippi took up the call for revolt on February 7, when he proposed that the Southern states "choose independent Presidential electors who would ignore the convention's nominee and cast their votes for a 'distinguished Southerner'"⁷ Arkansas Governor Ben T. Laney asserted that the South was in "a predicament between two men who are standing for something obnoxious to the South." On civil rights, "there is very little choice between the candidates"⁸

The theoretical rationale for the Southern revolt was written by an Alabama lawyer, living in New York. In 1947, Charles Wallace Collins' *Whither Solid South?* came off the presses⁹ and was soon known as the "bible of Southern revolt"¹⁰ The basis of Collins' book is a common one today: the Southern states could hold the balance of power in the Electoral College and, if unable to name the President, at least prevent the election of an unacceptable candidate. It was even possible, in the event of a deadlock between the candidates of the two major parties, that the Southern balance of power could be used to elect a Southern President.¹¹

⁶Gladys King Burns, "The Alabama Dixiecrat Revolt of 1948" (unpublished Master's thesis, Auburn University, 1965), 179. See this work for a good full treatment of the States' Rights movement in Alabama. See also Vincent Dooley, "United States Senator James Thomas Heflin and the Democratic Party Revolt in Alabama" (unpublished Master's thesis, Auburn University, 1963).

⁷*The Nation*, CLXVI (February 14, 1948), 174.

⁸New York Times, July 17, 1948.

⁹Hofstadter, 143. See also Sarah McCulloh, "The Ideology of the 'Dixiecrat' Movement," *Social Forces*, XXX (December, 1951), 162-71.

¹⁰Birmingham Post, July 17, 1948.

¹¹Charles Wallace Collins, *Whither Solid South? A Study of Politics and Race Relations* (New Orleans, 1947), 262. See also his book, *The Fourteenth Amendment and the States* (Boston, 1912). See also *Newsweek*, XXXII (July 26, 1948), 21. Collins attended the Birmingham convention in July: Birmingham Post, July 19, 1948. There seems to have been some doubt as to where Collins was residing. In a letter from Marion Rushton to H. Coleman Long, February 2, 1948,

On May 10, 1948, in Jackson, Mississippi, a four-hour meeting of dissidents was held in which "the States Rights Democrats uncovered a political potpourri, in which enthusiasm clashed with ennui, political personages mingled with political unknowns and the Georgia delegation in effect 'walked out' because of the threat to bolt the Democratic party."¹² The estimates as to the number of "delegates" present at Jackson vary from one thousand to three thousand¹³ but there seems to be little doubt as to the political strength represented. At this conference designed to "secede formally from the president"¹⁴ only four states—Alabama, Arkansas, Mississippi, and South Carolina—joined actively in the work.¹⁵ It was also noted that "governors and political leaders in actual control in other states seemed to be wary of the convention."¹⁶

The keynote address was given by South Carolina's Strom Thurmond who asserted that "When this campaign is over, leaders in both political parties will realize we no longer intend to be a door mat on which Presidential candidates may wipe their political shoes every time they want to appeal to minority groups in doubtful states."¹⁷ Accompanied by wild cheering and announcing that "Harry S. Truman never has been elected President of the United States and never will be," the governor declared "We are going to fight come what may. We are going to preserve our civilization in the South. Not all the laws of Washington, or all the bayonets of the Army can force the

Rushton Papers, Correspondence, Rushton states that Collins was formerly of Gallion, Alabama, "now living near Washington. . . ." Alexander Heard, *A Two-Party South?* (Chapel Hill, 1952), 32, says that Collins was "resident in Maryland. . . ."

¹²New York Times, May 11, 1948.

¹³Newsweek, XXXI (May 24, 1948), 23; New York Times, July 16, 1948.

¹⁴Newsweek, XXXI (May 24, 1948), 23.

¹⁵U. S. News and World Report, XXIV (May 21, 1948), 24.

¹⁶New York Times, July 16, 1948.

¹⁷States' Rights Information and Speakers Handbook (Jackson, Mississippi, 1948 [?]), 25.

Negro into our homes, our churches, and our schools, or into our places of recreation and amusement.”¹⁸

The conference then got down to the business at hand and decided that “if it becomes ‘necessary and appropriate’ to project . . . a candidate in the November election, the nominating will be done in Birmingham on or about July 17.” The conference then declared that their states would not support Truman or any other nominee of the party unless the party reaffirmed its faith in states’ rights, “pledged unqualified support thereto and repudiate[d] the President’s so-called but misnamed civil rights program.” The Jackson conference really just recessed over to the Birmingham meeting, making provision for a campaign committee “which was authorized to solicit funds and spread ideas of the convention’s objectives.”¹⁹

In an important deviation the Georgia delegation refused to participate officially in the conference and attended only as “observers.” They asserted, “We do not favor, nor would we commit the Democrats of Georgia to bolt the Democratic Party, nor do anything which could aid in the establishment of a third party.”²⁰ This action was the forerunner of Georgia’s later refusal to join officially in the “Dixiecrat” movement.

The Democratic National Convention opened in Philadelphia on July 12, 1948, and immediately speculation began concerning a southern “walkout.” To the *Birmingham News* it was appar-

¹⁸*Newsweek*, XXXI (May 24, 1948), 23. The official copy of Thurmond’s address printed by the campaign committee in the *States’ Rights Information and Speakers Handbook*, 25, gives a different account of the latter part of this speech:

We of the South are a proud people. We come from a stock that has never truckled even in the face of defeat or rule by Federal bayonet.

We meet here today with no apology. We want no one to be mistaken or misled. We are going to fight, as long as we have breath, for the rights of our states and our people under the American Constitution; and come what may, we are going to preserve our civilization in the South.

¹⁹*Birmingham News*, May 11, 1948.

²⁰*Ibid.*

ent that the revolt would occur and that Southern Democrats would meet in Birmingham on July 17 as scheduled.²¹ The rumored "walk-out" became reality with the strong civil rights plank which the convention adopted under the leadership of Mayor Hubert Humphrey of Minneapolis. The plank included a fair employment practices act, anti-lynching, anti-segregation, and anti-poll tax laws.²² This strong civil rights plank and another calling for repeal of the Taft-Hartley Act (which had been adopted in 1947 with help from Southern congressmen) "convinced many Dixie delegates that there was no room for them in the national party."²³ On July 14, Alabama Democratic party chairman Gessner T. McCorvey stated that "it is now quite apparent that the action of the Philadelphia convention will be such that the Birmingham meeting will be held."²⁴ The first definite word on the rump convention came on July 15, just before the Mississippi delegation and half of the Alabama delegates bolted the convention. W. W. Wright of Jackson, Mississippi, told James E. Mills, editor of the *Birmingham Post*, that the "grass roots meeting" was "definitely on."²⁵

Governor Fielding Wright of Mississippi announced the bolters would meet when he walked out of the Philadelphia con-

²¹*Birmingham News*, July 12, 1948. Rushton Papers, Speeches: Sometime before the Democratic National Convention Marion Rushton assured the people of Alabama "that a monster meeting of Alabama States Rights Democrats will be held in Alabama after the National Conventions and before we make any commitments about our electoral vote. This meeting will be open to every States Rights Democrat in Alabama . . . and your approval of a program will be obtained before we commit Alabama's electoral vote to anybody."

²²*Birmingham News*, July 16, 1948.

²³Delores Ann Hobbes, "The States' Rights Movement of 1948" (unpublished Master's thesis, Samford University, 1968), 31.

²⁴*Birmingham News*, July 14, 1948. See also Gessner T. McCorvey to Marion Rushton, July 12, 1948, Rushton Papers, Correspondence. In his article "The South Is Not Helpless in the Presidential Election of 1960," *The Alabama Lawyer*, XXI (January, 1960), 89-100, McCorvey interprets the events of 1948 and attempts to show how the lessons learned in 1948 could be applied to 1960 so that the Electoral vote of the South could be united "to preserve our civilization." The article is really an apologia for racism.

²⁵*Birmingham Post*, July 15, 1948.

vention: "The Mississippi delegation is on its way to Birmingham" ²⁶ He then issued the official call for the convention: "The chips are down. The die is cast. We must make Birmingham the beginning of our Electoral College fight to save the South." ²⁷ He later added, "It has been made clear at Philadelphia that the greatest discrimination existing in this country today is not racial or religious, but discrimination against the South." ²⁸ Former Governor Frank M. Dixon of Alabama rallied his fellow citizens by asserting, "The National Democratic Party has put a knife in the heart of the South. I urge the good Democrats of Alabama to attend the Birmingham states' rights meeting to register their protests and adopt plans for the future." ²⁹ The hope of the rebellious Democrats was summed up well by a Washington, D.C. man who said, "It takes only one match to start a big fire when the grass is dry—and the grass is awfully dry." ³⁰

As the "Dixiecrats" gathered in Birmingham the range of their optimism varied. One delegate predicted that the national party would not be able to carry a single state. Other delegates conceded that they might carry a "half-dozen" states. ³¹ More realistically, the *Birmingham Age-Herald* summed up the prospects:

Just what today is the extent of the bolt? You can count out Kentucky, which voted for Truman in the balloting, and North Carolina, part of whose delegates supported Truman. Out also will be Texas and Tennessee. In both these states, the Democrats, in state conventions, pledged

²⁶*Birmingham Age-Herald*, July 15, 1948.

²⁷*New York Times*, July 16, 1948. See also Governor Fielding Wright to Frank M. Dixon, July 25, 1948, Frank M. Dixon Papers (Correspondence, Alabama State Department of Archives and History, Montgomery, Ala.). The Dixon Papers are very important concerning the inner workings of the "Dixiecrat" movement. They contain very little on the Birmingham gathering, however.

²⁸*Washington Post*, July 17, 1948.

²⁹*Birmingham News*, July 15, 1948.

³⁰*Birmingham Age-Herald*, July 17, 1948.

their electors to support the nominee of the Philadelphia convention. Virginia was reported yesterday as uncertain about its future course, which would seem to indicate its support of the bolt weakening. As to Georgia, it is significant that after the convention was over, Sen. [Richard] Russell, for whom the anti-Truman Southerners had all cast their ballots, announced that he would support the ticket. In Florida, Sen. [Claude] Pepper declared he was standing behind the ticket. The Louisiana delegation was reported inclined to accept the results. That doesn't leave much.³²

Despite this sobering appraisal of their strength, angry but optimistic states' righters began to pour into Birmingham in the evening of July 16, ready to attend the opening session scheduled for 10:00 the next morning. As the *Age-Herald* reported, "Birmingham took on the air of a real political convention city last night as fighting-mad Dixiecrats assemgled here to renew their states rights fight."³³ Temporary headquarters were set up in rooms 922-924 of the Tutwiler Hotel. The meeting itself was to take place in the Municipal Auditorium, which was being furnished free of charge.³⁴

With the late notice that the "Dixiecrats" would meet in Birmingham's Municipal Auditorium, Ted Brownell, Manager of the building, was faced with the mammoth task of getting the hall ready by Saturday. The job began early Friday morning when the wrestling ring from Monday night was taken down and the large fans oiled. Olin Horton was charged with the job of decorating the huge building. He used state flags and standards for each state to mark the delegate seating. The use of Confederate flags and the displaying of pictures of prominent Southerners—either living or dead—were avoided in order to "stay away from any sectional atmosphere" and thus to draw non-Southern support. Both of these prohibitions were neglected

³¹Hobbes, 35.

³²Birmingham *Age-Herald*, July 16, 1948.

³³*Ibid.*, July 17, 1948. See also Birmingham *News*, July 16, 1948.

³⁴Birmingham *News*, July 16, 1948; Birmingham *Age-Herald*, July 20, 1948.

during the course of the convention. American flags were on both sides of the entrance and on the stage, and red, white and blue bunting was placed around the auditorium.

A band was hired to play "Suwanee River," "My Old Kentucky Home," "Carry Me Back to Ole Virginia," "Deep in the Heart of Texas," and, of course, "Dixie" at the proper times throughout the meeting. The advance choice of songs was somewhat incongruous in light of Horton's attempt to prevent sectionalism in his decorations. The orchestra pit and special tables near the platform were reserved for the newsmen. Special wiring, lighting, and broadcasting equipment were installed.³⁵ The American Broadcasting Company, the Columbia Broadcasting System, and the National Broadcasting Company were all present to provide radio coverage. NBC also televised the gathering by filming it and then showing the film from the network office in New York City. A number of top news commentators—Griffings Bancroft of CBS, W. W. Chaplin of NBC, and Edwin A. Hill, Earl Godwin, Martin Agronsky, and Tris Coffin of ABC—were on hand for convention coverage. The *Birmingham News* estimated that between 100-150 newsmen and broadcasters sent news of the convention throughout the nation.³⁶

When registration opened at the Tutwiler Hotel at 2:00 p.m. on July 16, a wild assortment of people was present as delegates. A few quotations as to the qualifications for "delegates" will indicate why this was true. The *Birmingham News* reported that "the meeting is open to the public, and every Democrat in Alabama is invited . . ." When the question was posed, "who qualifies for a badge?" the reply was simply "anybody who wants one . . . Just so they're believers." The convention, whatever else it may have been, was completely democratic: "Everybody was a delegate. Anybody who felt the

³⁵Hobbes, 37.

³⁶*Birmingham News*, July 15, 1948; July 16, 1948; July 17, 1948, July 18, 1948. According to the *Montgomery Advertiser*, July 20, 1948, "By 1 o'clock the American Broadcasting Company had cut the convention off its network because it was too inflammatory."

spirit move him paraded." Thus it was that "except for Alabama, Mississippi, and one or two other states, the delegations [were] short of support from official party organizations or public officials," and were composed of "political outs and has-beens." The official badge was a small round, red, white, and blue button declaring "Southern States Rights Democrats."³⁷

Thirteen states were represented by placards on the convention floor, but few represented real political power. The heart of the conference was the Alabama and Mississippi delegations who had walked out of the Philadelphia convention and who were still "boiling mad at the steamroller tactics of the Philadelphia convention and the slights and insults heaped upon them in that city of brotherly love."³⁸ In the Virginia section four students from the University of Virginia and a young woman from Alexandria who had just stopped off in Birmingham on her way home from New Orleans represented their native state. Nobody in the North Carolina and Kentucky sections could be identified as being from those regions. Oklahoma had three delegates and former Governor "Alfalfa Bill" Murray.³⁹ The seventy-nine-year old, half-blind, and half-deaf former governor arrived without his luggage which had been lost on the bus trip to Birmingham but carrying copies of the book *The Place of the Negro* under his arm and boasting that he was "the man who introduced Jim Crow in Oklahoma."⁴⁰ Louisiana, Florida, and Texas had between fifteen and twenty-five representatives each. South Carolina had three of its Democratic National Convention delegates along with a large retinue from Governor Thurmond's office. Tennessee was represented by four students from the

³⁷Birmingham *News*, July 16, 1948; July 15, 1948, July 16, 1948; July 18, 1948; Birmingham *Age-Herald*, July 17, 1948; Birmingham *News*, July 17, 1948.

³⁸Birmingham *News*, July 17, 1948. The thirteen states were Alabama, Mississippi, Virginia, North Carolina, Kentucky, Oklahoma, Louisiana, Florida, Texas, South Carolina, Tennessee, Georgia, and Arkansas.

³⁹New York *Times*, July 18, 1948.

⁴⁰Birmingham *News*, July 17, 1948. Montgomery *Alabama Journal*, July 17, 1948: Murray's statement was, "I'm the man who introduced Jim Crow in Oklahoma. If they pass those civil rights laws, there'll be hell to pay in the north."

University of Tennessee, six students from Cumberland University, and five people who said they were "sympathizers." J. H. Ballew of Nashville—a delegate to the Philadelphia convention—sat at the back of the auditorium under a placard marked "others." Georgia, with no official representatives, had eight "interested" and "sympathetic" "believers" in her section. There were twelve delegates from Arkansas, one of whom had been a delegate to the national convention.⁴² There were twenty "delegates" present from outside the former Confederate states.⁴²

Five Governors—Ben T. Laney (Arkansas), Fielding Wright (Mississippi), James E. "Big Jim" Folsom (Alabama), Strom Thurmond (South Carolina), and William N. Tuck (Virginia)—at some time attended the conference but only Wright and Thurmond participated actively. Folsom gave a brief welcoming address. A number of other political figures gathered in Birmingham also: former Governors Hugh White (Mississippi), Sam Jones (Louisiana), "Alfalfa Bill" Murray (Oklahoma), Frank Dixon (Alabama), Senators James O. Eastland and John C. Stennis of Mississippi, Handy Ellis of Alabama (chairman of the Alabama national convention delegation), United States Representatives John Bell Williams and William P. Colmer of Mississippi. Just as significantly, however, "recognized leaders of political machines such as Edward H. (Boss) Crump of Tennessee, Senator Harry F. Byrd of Virginia, Herman Talmadge of Georgia and Gov. Earl K. Long of Louisiana, . . . declined to take part in the convention . . . [did] not send any emissaries."⁴³

There were a large number of college students who attended the convention, some of them for serious reasons and other simply because the conclave offered an excuse to cut classes. The colleges represented were the University of Alabama, Ala-

⁴¹New York Times, July 18, 1948.

⁴²Birmingham Age-Herald, July 18, 1948. The states represented were Indiana (1), Pennsylvania (5), Illinois (2), California (2), Maryland (4), Washington, D. C. (1), and Colorado (1). Oklahoma, as already mentioned, had four delegates in attendance.

⁴³New York Times, July 19, 1948. See also Hobbes, 40; New York Times, July 17, 1948.

bama Polytechnic Institute (now Auburn University), Howard College (now Samford University), Birmingham-Southern College, Mississippi State College, University of Tennessee, University of Georgia, Georgia Institute of Technology, University of Virginia, University of Mississippi, Alabama College, Cumberland University, and Loyola of the South. These students played an important role in the convention by furnishing much of the "lung power." The fifty-five students from Ole Miss congregated in front of the speaker's stand and yelled "To hell with Truman." "To Hell with Truman" garnered the honor of being the noisiest demonstrators at the convention.⁴⁴

A number of "professional haters" were also at the convention. Gerald L. K. Smith, referred to by one writer as the "rabble-rousing, race-baiting ex-preacher from Louisiana," and National Director and presidential candidate of the Christian Nationalist Crusade, was present. Smith said of the gathering: "It will go down in history as one of the most significant things that has ever happened. It challenges every white man to fulfill his destiny as it relates to the future of America."⁴⁵ Jonathan E. Perkins, an organizer for Smith and author of *The Jews Have Got the Atomic Bomb*, was in attendance. J. B. Stoner of Chattanooga, founder of the Anti-Jewish Party, apparently representing his own organization, was present. Stoner's platform called for a constitutional amendment to make it a capital crime to be Jewish. A contemporary said of him, "Stoner plays too rough for even Grand Dragon Doc Green who banished him from his job as kleagle (recruiter) for the Klan." Others with unusual affiliations who were in Birmingham for the convention included Mrs. Jessie Welch Jenkins of Georgia, President of the National Patrick Henry Organization. She wanted to abolish both major parties. E. C. Boswell, author of the Boswell Amendment which aimed at preventing Alabama Negroes from voting,

⁴⁴Birmingham Post, July 17, 1948; Birmingham News, July 17, 1948.

⁴⁵Birmingham Post, July 19, 1948. See also *Colliers*, CXXII (October 9, 1948), 14-15; *Time*, LII (September 6, 1948), 17; Birmingham Age-Herald, July 19, 1948; Birmingham Post, July 19, 1948: It is to Thurmond's credit that he rejected Smith's endorsement: "We do not invite, and we do not need, the support of Gerald L. K. Smith or any other rabble-rousers who use race hatred to inflame the emotions of the people.

was also present. One observer wrote, "Officially, the hate fringe took no part in the Dixiecrat meeting. But men of kindred views did."⁴⁶

When the session opened Saturday morning, July 17, it was estimated that about six thousand "delegates" were present.⁴⁷ "But," according to *Time Magazine*, "the meeting had more lung power than political strength."⁴⁸ The states' rights convention was scheduled to open at 10:00 Saturday morning, July 17, 1948. The opening was delayed about an hour, however. By 10:50 the Municipal Auditorium was packed with most of the seats filled except for the top balcony which was "usually reserved for Negroes. It was empty."⁴⁹ Before the opening of the conference pickets for Henry A. Wallace's People's Progressive Party paraded in front of the auditorium under the leadership of Robert Travis, chairman of the third party in Alabama. The pickets carried signs which said "Win With Wallace" and "Down With Lynching." Travis said of the picketing, "We just want the decent people of the South to know there are some opposed to such actions as these here." The pickets were booed and heckled and left after about fifteen minutes.⁵⁰

The conference was called to order at 11:00 a.m. by Alabama state Democratic party chairman Gessner T. McCorvey. A local paper described the scene:

It was a responsive, excited, sometimes hysterical crowd—and the convention orators made the most of it.

The magic names were Robert E. Lee and Jefferson Davis. They never failed to bring swelling roars from the audience.

⁴⁶*Collier's*, CXXII (October 9, 1948), 14-15.

⁴⁷St. Louis *Post-Dispatch*, July 18, 1948.

⁴⁸*Time*, LII (July 26, 1948), 15.

⁴⁹Birmingham *News*, July 17, 1948. See also St. Louis *Post-Dispatch*, July 18, 1948.

⁵⁰Jacksonville *Florida Times-Union*, July 18, 1948; St. Louis *Post-Dispatch*, July 17, 1948.

The rat-tat-tat of "Dixie" played by a swing band, raised the people screaming to their feet.

The phrasemakers talked over and over about "the dagger in the back of the South." Recognizing its cue, the crowd yelled back with one, vast voice.

The swaying, state standards, Confederate banners, gyrating paraders, all bathed in the unreal lights of newsreel cameras, made a fantastic scene.⁵¹

After the convention was called to order by McCorvey, the invocation was given by the Rev. John Buchanan of Southside Baptist Church in Birmingham who called upon God to "purge from [the delegates'] hearts all prejudice." Ruby Mercer, Metropolitan Opera and Broadway musical comedy star, next sang the "Star-Spangled Banner" and "Dixie"—the latter more than once upon demand by the audience who cheered and joined in the singing.⁵² Birmingham Police Commissioner Eugene "Bull" Connor was introduced, and he invited the Philadelphia delegates who had walked out of the convention to take their "seats of honor" on the stage. He then welcomed the "interested people" to Birmingham and assured them that they would find the fan-cooled auditorium "a lot more comfortable than the one they have up there in Philadelphia—and the people a lot more friendly."⁵³

Walter Sillers, Speaker of the Mississippi House of Representatives, was elected permanent chairman of the convention. In accepting the position he said, "We are here to show that constitutional government is not dead in this nation, despite what happened in Philadelphia." He concluded, "We're here to give warning to those at Philadelphia that principle still prevails in this land—that principle for which we will fight until doomsday." Siller's acceptance speech was followed by a number of

⁵¹Birmingham *News*, July 17, 1948.

⁵²Birmingham *Age-Herald*, July 17, 1948.

⁵³Birmingham *News*, July 17, 1948. Connor also stated the obvious fact that the delegates would "not find a Negro lawyer speaking from this platform. . ." as in Philadelphia.

preliminary speeches by Senator Stennis, Frank Upchurch (chairman of the Florida delegation to the national convention), and others. These speeches centered around opposition to Truman and the threat of national disaster if the South's segregation plan was abolished. During the course of these speeches, one of the speakers declared that "we have no choice between the little man with the sickening smile and the little man with the little mustache."⁴

Chairman Sillers then presented former Governor Frank M. Dixon of Alabama who was to give the keynote address. Dixon did not know he was to give this speech until 7:00 a.m. Saturday; he nevertheless tore into the national parties with all the skill of his political experience. He began by asserting that "This is a gathering of militant followers of those Democratic principles near and dear to us all." He said that the reason for the convention was apparent to "all of us who heard the jeers when Alabama and Mississippi walked out at Philadelphia Jeers from sections where not a single elective officer, not even a justice of the peace, is a Democrat." Dixon went on to charge that the Democratic Convention at Philadelphia was trying to "perpetrate a police state in this nation and set up a social revolution in the South." He told the conclave that it could either choose new candidates or place anti-Truman electors on the ballots. In either case the object was to throw the election into Congress where "an outstanding American" might be selected. He further asserted that the passage of the Philadelphia civil rights plank would mean a great concentration of power in the hands of the federal government; such a concentration, he argued, would lead to a "federal gestapo." Dixon said that the plank would mean "our children will be subjected to forced intermingling with those of the other races." He concluded that "in this day the Democratic Party has sunk so low as to borrow racial minorities in an attempt to bolster itself."

⁴New York Times, July 18, 1948. See also Birmingham News, July 17, 1948; Hobbes, 44.

But, the Alabamian indignantly added, "The South will fight the attempt to mongrelize our people."⁵⁵

When Dixon concluded his thirty minute address a wild twenty minute demonstration took place. "Delegates and just plain spectators leaped to their feet, started cheering and shouting, then marched along the aisles throughout the large hall, waving flags, waving their hands and arms above their heads"—all without benefit of aid from the band which had been dismissed during Dixon's speech. Birmingham-Southern College students carried a large picture of Robert E. Lee and a large Confederate flag down the aisles to the accompaniment of shouts of "We want Dixon," "Dixie wants Dixon," and "To hell with Truman." These Alabama sentiments were countered by Ole Miss students yelling "Fielding L. Wright and States' Rights."⁵⁶

The last speech in the morning session was given by State Representative Lloyd E. Price of Ft. Worth, Texas. After denouncing "so-called Northern and Eastern liberals," he waged war on the historian Arnold J. Toynbee because of his analysis of the South as a backward section of the United States. Reaching for the ultimate insult, Price asserted, "There isn't a student in a Negro College in the South who doesn't know more about history than Toynbee." He concluded that the whole racial problem of the United States was the fault of New Englanders because they were the first to bring the "howling, screaming

⁵⁵For the full text of Dixon's speech see the *Birmingham News*, July 18, 1948, or "History in the Making," *The Alabama Historical Quarterly*, VIII (Spring, 1946), 15-24. The "1946" date in the latter citation is the correct date on the magazine as publication was several years behind. See also Hobbes, 42-45; *St. Louis Post-Dispatch*, July 18, 1948; *Birmingham News*, July 17, 1948; *Newsweek*, XXXII (May 24, 1948), 21. The *Anniston Star*, July 18, 1948, said of Dixon's speech: "the address he made yesterday sounded, in some respects, as though he were addressing the Ku Klux Klan convocation. It was racism and sectionalism at its worst and will certainly do more harm than good to the cause he purported to represent."

⁵⁶*Birmingham News*, July 17, 1948; *Newsweek*, XXXII (May 24, 1948), 21; Hobbes, 47.

savages" to America. The convention recessed at 12:50 p.m. until 2:30 the same day.⁵⁷

During the recess period Arkansas Governor Ben T. Laney, who had been chosen chairman of the permanent states' rights campaign committee in Jackson, broke with the convention. He had remained at the Philadelphia convention after the "walk-out;" afterwards he attended the Birmingham conference "only as an invited guest." At the Birmingham gathering he had been conspicuous by his absence from several caucuses and from the open sessions. He issued a statement withdrawing his name from consideration for President asserting that he wanted to defeat the civil rights plank but through the official Democratic organization in each state and not through a fourth party. His prepared statement issued during the recess was thus a call for unity.⁵⁸

"The vagueness of official statements and the conflicting reports from states'-rights leaders in other areas combined to leave up in the air the exact purposes for which the convention was . . . called."⁵⁹ This opinion was prevalent in the newspapers, and, indeed, vagueness seemed to envelope the convention. The delegates differed over the best method of implementing their dissent. Some of them wanted to name presidential and vice-presidential candidates, while others felt the struggle against the civil rights plank would be served better by "waging a fight to free presidential electors." There was even uncertainty and disagreement over terminology. The leaders of the meeting

⁵⁷Hobbes, 48. The *Montgomery Advertiser*, July 19, 1948, reported that Price referred to the works of Toynbee as "the Koran of the pinkish, leftist, liberal intellectuals in the U. S."

⁵⁸*Birmingham News*, July 18, 1948; July 16, 1948. Laney's statement said in part: "The spirit of obstinacy and revenge is not the spirit of the Southland. . . . Whatever is done must be done through and by the official Democratic organization in each state," *Montgomery Advertiser*, July 19, 1948. When asked the day before the conference if he would accept the nomination if it was offered to him, the *Washington Post*, July 17, 1948, reported he replied, "I don't care to answer that question at the moment." The *Florence Times*, July 16, 1948, reported his reply as "I would have to see about that."

⁵⁹*New York Times*, July 17, 1948.

insisted that the gathering was a "conference" and not a "convention" and that there were no "delegates" but "just people interested in our cause." The *Birmingham News* commented that this insistence on terminology reflected doubt among leaders about the effectiveness of the revolt. The "delegates" were unsure even about the reason for the conference. Some of them saw it as just a warm-up session for a full convention in August when candidates would be nominated.⁶⁰

It soon became apparent that few people actually knew what was going on and that a small group composed of Horace Wilkinson, Frank Dixon, W. W. Wright, and Sydney Smyer (all from Alabama or Mississippi) made the decisions for the convention. Still, even Wilkinson, when asked who the nominees would be, replied that he "guessed" they would be Thurmond and Wright. About an hour later he nominated both of them.

Following Laney's withdrawal from the race, speculation was rampant about who would receive the nomination. Earlier in the day Dixon, Laney and Wright were the leading candidates, but with Laney's withdrawal and Dixon's refusal to accept the nomination despite his great popularity following the keynote address, the conference turned to Thurmond. Thurmond had not planned to attend the conference because he had an engagement to inspect part of the South Carolina National Guard on the morning of July 17. Following a call from Birmingham, however, he decided to fly to the conference in his private plane after the inspection. Hardly had he arrived in Birmingham when he was approached about the nomination. His biographer states that he had "from thirty minutes to an hour to decide whether or not to take it." Before the conference reassembled for the afternoon session, however, it was generally known that

⁶⁰*Birmingham News*, July 17, 1948; *Birmingham Post*, July 17, 1948.

Strom Thurmond and Fielding Wright would be the nominees of the "Dixiecrats."⁶¹

As the convention assembled at 2:30 there were more people present than could fit into the auditorium. Consequently, loud-speakers were installed outside the hall and carried the proceeding beyond the building. Birmingham Police Chief Floyd Eddins estimated the crowd inside and outside Municipal Auditorium during the afternoon session at seventy-five hundred.⁶²

When the session opened Alabama Governor James Folsom gave a short speech in which he charged the Truman administration with "invasion of states' rights." He concluded by urging the "interested people" at the convention to "help bring government close to the people." Horace Wilkinson, Birmingham attorney and Chairman of the Resolutions Committee, presented his committee's report. The statement of principles was received with great cheering, but the crowd went wild when he read a resolution recommending that the states cast their electoral votes for Thurmond and Wright. The ensuing demonstration, at first forced, soon picked up momentum after seventy-nine year old Mrs. Beulah Waller of Byron, Georgia, did a jig on the auditorium stage which brought the crowd to their feet. The demonstration was so loud and long that Chairman Sillers finally had to have the "Star-Spangled Banner" played to restore order. Seconding speeches were given by Senator Eastland and Peter Bradley of Houston, Texas. The essence of their speeches

⁶¹Alberta Lachicotte, *Rebel Senator: Strom Thurmond of South Carolina* (New York, 1966), 42. See also Hobbes, 49-50; *Birmingham News*, July 17, 1948; *Birmingham Post*, July 17, 1948; Lachicotte, 43; *Birmingham News*, July 17, 1948. The name "Dixiecrat" was given to the states' righters in derision by their enemies. Horace Wilkinson had been one of the leaders of the bolt of the Democratic party in Alabama in 1928 against Al Smith. Burns, 96, refers to him as one of "the most intelligent of Alabama's anti-Smith Democrats. . . ." A contemporary opinion expressed by the editor of the *Florence Times*, July 17, 1948, calls Wilkinson "Alabama's leading race-baiter."

⁶²*Birmingham News*, July 18, 1948.

was couched in Bradley's declaration that "Harry Truman has never been elected President and he is not gong to [be]."⁶³

Thurmond and Wright were escorted to the platform at 5:50 p.m. where they gave their acceptance speeches. Neither Wright nor Thurmond claimed victory but promised to show the national party "the real Democratic party is in the South."⁶⁴ Governor Wright spoke first, "an appropriate position since he had done most to 'father' the revolt."⁶⁵ Most of his speech was adulation for the past actions of Southern Democrats. Maintaining that the South had saved the party in the past, he said, "We will not turn back. This is the South's big opportunity to show that we are the real Democratic party. Those who believed we would never be able to carry this fight on to a successful conclusion are beginning to tremble."⁶⁶ He was careful to maintain that the conference was not creating a new party: "This is not a bolt. This is not a fourth party. I say to you that we are the true Democrats of the Southland and these United States." He then introduced Thurmond by saying that he was a "man you will be glad to cast your votes for." "Don't let anybody tell you the South is bolting the Democratic Party. Our people are going to vote for J. Strom Thurmond, a man of integrity—a man in whom you'll be proud to place your trust."⁶⁷

⁶³Hobbes, 51. See also Hobbes, 50-51; *Birmingham News*, July 18, 1948; *Birmingham Post*, July 19, 1948. The *Post* article cited here disagrees with Hobbes as to the length of the demonstrations, asserting that they only lasted five minutes each for Thurmond and Wright.

⁶⁴*Jacksonville Florida Times-Union*, July 18, 1948.

⁶⁵Hobbes, 52.

⁶⁶*New York Times*, July 18, 1948.

⁶⁷*Birmingham News*, July 18, 1948. See also *Time*, LII (July 26, 1948), 16; Hobbes, 55: In a letter to the editor of the *Atlanta Constitution*, July 26, 1948, Horace Wilkinson again asserted, "The States' Rights Democrats have never recognized the demand for a return to constitutional government as a sectional issue;" Rushton Papers, Correspondence; Former Governor Frank Dixon reemphasized this point: "The issues are not purely sectional. Fundamentally, they are the ancient issues of a highly centralized police state, as opposed to local self-government. And there are many in other states outside the South who prefer the latter." Frank M. Dixon to Edward S. Hemphill, July 28, 1948, Dixon papers, Correspondence.

Thurmond opened his acceptance by claiming that "No true Southerner could fail to answer the call of his people." A large portion of his speech was a denunciation of the Truman administration:

If the South should vote for Truman this year we might just as well petition the Government to give us colonial status.

President Truman has betrayed the South and we Southerners are going to cast our votes for candidates who are true believers in states' rights principles. For our loyalty to the party we have been stabbed in the back by a President who has betrayed every principle of the Democratic party in his desire to win at any cost.⁶⁸

Thurmond brought the crowd to their feet roaring their approval when he asserted, "Truman has forced himself upon the Democratic Party, but he can't force himself on the people of this country." He then called for continued segregation and warned the conference of the danger of a totalitarian government if the civil rights program was adopted. He said that the Negro had made great progress in the South and would continue to do so, "but I want to tell you, there are not enough laws on the books of the Nation, nor can there be enough laws, to break down segregation in the South."⁶⁹ He concluded:

No longer can they say the South is in the bag, because we're not.

The nation will never forget the fight we are making.

We can go on to victory because right is on our side.

All of Thurmond's speech was met with what the *Birmingham News* referred to as "rafter-rattling" "applause, banging and shouting."⁷⁰

⁶⁸New York Times, July 18, 1948. See also Hobbes, 53.

⁶⁹Jacksonville *Florida Times-Union*, July 18, 1948. See also *Birmingham News*, July 18, 1948.

⁷⁰*Birmingham News*, July 18, 1948.

After the conclusion of the acceptance speeches the statement of principles was adopted without a dissenting vote. The preamble stated the essence of the platform:

We believe that the protection of the American people against the onward march of totalitarian government requires a faithful observance of Article X of the American Bill of Rights which provides that: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."⁷¹

The chief provisions of the platform declared:

We oppose all efforts to invade or destroy individual rights; we stand for segregation of the races and the racial integrity of each race; the constitutional right to choose one's associates; to accept private employment without government interference We oppose and condemn . . . a civil rights program calling for the elimination of segregation, social equality by federal fiat

We call upon all Democrats . . . and upon all other loyal Americans . . . to unite with us in ignominiously defeating Harry S. Truman and Thomas E. Dewey⁷²

The convention passed a number of resolutions. The delegates voted to invade Missouri and Kentucky, the home states of the national Democratic party candidates, with opposition elector slates. They approved the appointment of a "Southern States Rights Campaign Committee" Chairman. The leaders also agreed to meet again in Atlanta on July 24, to give the organization a definite name and to formulate plans to get the nominees on the ballots in the states. The convention adopted a resolution calling for another meeting of the "Dixiecrats" in Birmingham

⁷¹Kirk H. Porter and Donald Bruce Johnson, *National Party Platforms, 1840-1960* (Urbana, 1961), 466-67.

⁷²Birmingham *News*, July 17, 1948. For a complete text of the platform see *ibid.*, July 17, 1948; New York *Times*, July 18, 1948; or Porter and Johnson, 466-68.

on October 1 to "help the States' Righters decide how far plans had gone and what could be expected." As one newspaper observed, "Despite declarations that there will be 'no turning back' to President Truman, the 'states' rights' group did not close the door behind them." A unified conference adjourned at 7:05 p.m. subject to recall by the Chairman after unanimously adopting all of the resolutions.⁷³

Without exception the "delegates" agreed with everything the orators said and were overall rather well behaved. The crowd came nearest to mob hysteria when a lone dissenter stood up during Peter Bradley's seconding speech to protest the manner in which Thurmond and Wright were nominated. The crowd screamed, "throw the Communist Out" and then surrounded him. The objector, Brigadier General Herbert C. Holdridge—a retired army officer and self-styled presidential candidate—soon willingly accepted a police escort away from the screaming mob which soon forgot him in all the excitement. At his room Holdridge later said, "It was Philadelphia all over again. Truman placed himself in nomination in such a fashion. These people protested against the high-handed actions of machine politicians in Philadelphia and they came down here and did the same thing."⁷⁴

Press reaction from over the nation was practically unanimous in its disapproval of the rump convention, although disapproving for different reasons. The *Montgomery Advertiser*

⁷³*Wall Street Journal*, July 19, 1948. See also Hobbes, 58; "History in the Making," 15; *Birmingham Post*, July 19, 1948; *Florida Times-Union*, July 18, 1948. The Atlanta meeting was held and the official name of the "Dixiecrats" became "The States' Rights Democrats." *Birmingham News*, July 24, 1948; July 25, 1948.

⁷⁴*Birmingham News*, July 18, 1948. See also *Birmingham Post*, July 19, 1948. One enthusiastic rooter learned a lesson in the value of proper spelling. He carried a sign through the auditorium which the "delegates" thought said "Vote for Truman." Despite his protests he and the sign were roughed up. Later in order to prove to the police that he was not a trouble-maker, he kneeled down on the sidewalk and pieced the sign together. Once reassembled the sign read, "Vote for Thurman." Later Saturday night Truman was hanged in effigy from the balcony railing on the 20th Street side of the Tutwiler Hotel. Across his chest was a sign reading, "Truman killed by civil rights." *Birmingham News*, July 18, 1948. See also July 19, 1948.

asserted, "The leading newspapers of the South are unanimous in deploring the ugly carnival scene."⁷⁵ The Birmingham newspapers all subscribed to the sentiments expressed by the editor of the *Age-Herald*: "The *Age-Herald* is unable to see how this meeting and any action resulting from it can get far in determining the course of the coming national election."⁷⁶ From around the state of Alabama most of the newspapers were in accord. The *Florence Times* and *Tri-Cities Daily* felt that they had been "Sold Down the River" by the "Dixiecrat" leaders—a "group of obsolete, broken-down politicians."⁷⁷ The *Montgomery Advertiser* argued:

The South will get nowhere with the Dixiecrat movement. It is the road to nowhere.

Its leadership is bankrupt

It is entirely negative in its approach. Its inflamed and uninspired leaders did little more than bellow and cry "nigger." That is far short of an answer to the South's grave problem.

The *Advertiser* has no doubt that the South's standing has been greatly damaged by that which boiled out of the nation's radio sets from the Birmingham cauldron

As a result of the Birmingham convention, Senator Claghorn is a less fictional character to the nation than before.⁷⁸

The *Dothan Eagle* which had already declared "We have had enough" felt that nothing was to be gained by voting for the "Dixiecrat" candidates and urged their subscribers to vote Republican.⁷⁹ Strongly stating "we can see no good excuse for the Birmingham rump convention," the *Anniston Star* conceded:

⁷⁵*Montgomery Advertiser*, July 20, 1948.

⁷⁶*Birmingham Age-Herald*, July 17, 1948. See also *Birmingham News*, July 17, 1948.

⁷⁷*Florence Times*, July 17, 1948; *Tri-Cities Daily* (Sheffield, Tuscumbia, Muscle Shoals City), July 17, 1948.

⁷⁸*Montgomery Advertiser*, July 20, 1948.

⁷⁹*Dothan Eagle*, July 15; July 20, 1948.

But possibly we are taking the bolters too seriously. For their get-together was more like a Roman holiday than a convention. It lacked much of being representative of the South as a whole, but at least it did give the irreconcilables a chance to blow off steam and afforded the college boys and girls an opportunity to get out of Summer school and join in the high jinks that characterized the parade.⁸⁰

The nearest most Alabama editors came to expressing a favorable opinion was to admit as did the *Mobile Press* that "the South is making itself heard more effectively than it did prior to and during the national Democratic convention"⁸¹

The reaction was virtually the same in the other states of the South. Ralph McGill, editor of the *Atlanta Constitution*, was one of the harshest critics of the "Dixiecrats" as "he continually questioned the motives of the men behind the movement" He wrote, "I try . . . to speak of what I conceive to be the best interests of the South. I do not think they are being served by the sound and fury of the Birmingham rump meeting of disaffected Democrats." The essence of his argument was "Hell, this ain't a fight to preserve State rights This is a fight to preserve State wrongs."⁸² The *Daily Democrat* in Tallahassee, Florida, editorialized that the sensible thing for the South is to stay in the democratic [sic] party, realizing that it doesn't like and will not accept some of the things the party now stands for."⁸³ Another Florida paper, the *St. Petersburg Times*, called the offspring of the Birmingham meeting "a hair-brained splinter movement"⁸⁴ Farther north the *Richmond Times-Dispatch* wrote that "it is good to know that Virginia took no official part in Yesterday's Claghornesque goings on at Birming-

⁸⁰Anniston *Star*, July 18, 1948.

⁸¹Mobile *Press*, July 20, 1948.

⁸²*Collier's*, CXXII (October 9, 1948), 14. See also Emile B. Ader, "Why the Dixiecrats Failed," *The Journal of Politics*, XV (August, 1953), 362; *Atlanta Constitution*, July 19, 1948.

⁸³Tallahassee *Daily Democrat* Florida, July 18, 1948.

⁸⁴St. Petersburg *Times*, July 21, 1948.

ham. However much most Southerners resent the treatment the South received at Philadelphia, there is no political nourishment in the Alabama conclave."⁸⁵

Moving outside the South, the press opinion was virtually the same. The *New York Times* denounced the "Dixiecrat" platform and the *Wall Street Journal* called the rump convention a "hasty meeting." *The Times* (London) found little in the conference worth mentioning and said only that "A New Democratic Candidate" was chosen in Birmingham.⁸⁶

The States' Rights Democrats had gone beyond the point of no return. For better or for worse, they had taken a risky plunge with Thurmond and Wright. On the other hand, the two governors were taking an even riskier plunge with the States' Rights cause. For all anyone knew on that hot, steamy afternoon, these two men were taking their first steps toward political suicide. For Strom Thurmond, this date marked the first of many political rebellions that ultimately would characterize his career.⁸⁷

After the convention Thurmond told reporters, "I came over here to say a few words and found myself recommended for President." He said that he "knew that accepting the nomination would have future political repercussions, but I had little time to make up my mind, and I thought somebody ought to do something, so I finally decided to take the plunge. I didn't know then even if my own State would support me."⁸⁸

Thurmond felt the political gamble was worth taking because the "Dixiecrat" aim, according to a number of contemporary commentators, was not the defeat of the civil rights program, although this was the immediate goal. As Senator John J.

⁸⁵Quoted in *Montgomery Advertiser*, July 21, 1948.

⁸⁶*New York Times*, July 19, 1948; *Wall Street Journal*, July 19, 1948; *The Times* (London), July 19, 1948.

⁸⁷Lachicotte, 44.

⁸⁸*Ibid.*, 43. See also *New York Times*, July 19, 1948.

Sparkman of Alabama (who was not a "Dixiecrat") said, "We must insist that hereafter the South be considered a full partner in the Democratic Party." It seems probable that many "Dixiecrats" would not have rebelled had they thought the national party had any chance of winning. "But now that they . . . [had] a loser to deal with, they . . . [were] ready to put on a show of strength in the struggle for a larger share of party control." As one contemporary observed, "A major realignment of American political parties is the primary objective. The defeat of Truman is secondary." The "Dixiecrats" had no intention of creating a new party.⁸⁰

Despite the emphasis of contemporaries on the overall goal of the states' righters, the "Dixiecrat Movement remains essentially anti-Negro—aimed at preventing the Negro from voting."⁸⁰ As Gladys King Burns wrote, "The issue was, in camouflage form, states' rights; in raw, base form it was white supremacy."⁸¹ Thus, "White supremacy as an issue, was not dead, but it was dying," but still "in the Deep South the great game of politics is played with color."⁸² As the *Washington Post* editorialized: "When the Dixie-crats tried to put on this garment, [states' rights] it just didn't fit. The stark naked limbs of special interest and racial prejudice gawked out of the robe of State sovereignty like the angular appendages of an awkward klansman sticking out of the sheets of the grand kleeagle."⁸³

⁸⁰*The Nation*, CLXVII (July 3, 1948), 17-18; *ibid.*, CLXVI (April 3, 1948), 367; *New Republic*, CXIX (November 1, 1948), 10; *ibid.*, CXIX (October 18, 1948), 5.

⁸¹*Collier's* CXXII (October 9, 1948), 14. It is to Thurmond's credit that he stayed aloof of his "white supremacist" followers. William J. Keefe, "Southern Politics Revisited," *The Public Opinion Quarterly*, XX (Summer, 1956), 407. Thurmond said, "We are not running on white supremacy, racial hatred or class prejudice. We are running primarily on the issue of states' rights." *Birmingham News*, July 25, 1948.

⁸²Burns, 2.

⁸³Keefe, 412. See also Ader, 369.

⁸⁴*Washington Post*, July 18, 1948.

It should be admitted that the "Dixiecrat" movement functioned at two levels and that at both there were a number of important issues operating separately and together. The first level was the leadership, the men who organized the movement, while the second was the voting public who responded. In brief, there existed the candidates and the voters, and it is undoubtedly true that both levels were motivated by resentment at a growing central government, anger at being ignored at the national level, and estrangement from the general philosophy of the Democratic party. Yet it seems likely that the most basic explanation for the revolt, and the one factor that bound the dissidents together was the race issue. Some were at a point of hysteria and saw the immediate and total destruction of Anglo-Saxon culture if Truman were elected. Others viewed his election as the beginning of a process that would in time mean social and economic equality between the races. Because the threat existed, they attempted to stop it, and the form of their revolt was the abortive "Dixiecrat" revolt.

Thus the "Dixiecrat" convention was over but it was perhaps the beginning of a New South: a South which could not be taken for granted as was to be shown in the Eisenhower years and again in 1964 and 1968. The States' Rights Democrats, perhaps unwittingly, seem to be the forebears of a mid-twentieth century phenomenon: the creation of a genuine two-party South which would have a greater voice in national political circles because of the uncertainty of their party affiliation in any given election. The "Dixiecrats" thus began the South on its way back into the two-party union of their ancestors by uprooting Democratic tradition. An honest evaluation of the States' Rights Democrats would have to class their efforts as one of the colossal failures of American political history and at the same time one of the lasting, though unintended, successes in the development of the American political system. As the editor of the *Washington Post* concluded, "Insofar as the . . . movement reflects a realignment of political forces in the South . . . it gives hope of breaking down the political stagnation of that section."⁹⁴

⁹⁴*Ibid.*, July 19, 1948.

THE CIVIL WAR LETTERS OF ROBERT TARLETON

edited by

William N. Still, Jr.

Robert Tarleton was born in Talladega County, Alabama on June 20, 1838. In 1854 he entered Princeton College, Princeton, New Jersey, and graduated in 1859, after ill-health had extended his undergraduate career. He then studied medicine in New York City until the outbreak of the Civil War when he returned to Alabama and enlisted as a private in the Confederate army. He was stationed for a brief period in Norfolk, Virginia, in 1861, and then was transferred to Columbus, Kentucky. Later in his military career he served as a clerk on the staff of General Braxton Bragg. In 1863 he received a commission as a lieutenant in the artillery and at his request was transferred to Fort Morgan on Mobile Bay. Tarleton remained stationed there until the fort capitulated in August, 1864. He surrendered with the rest of the garrison and was transported to a prisoner-of-war camp in New Orleans. His confinement was brief, however, for in October, 1864, he escaped. Returning to Mobile, he rejoined the Confederate forces and remained in the city until the end of the war.

After the war Tarleton tried farming on a cotton plantation in Louisiana, but two and a half years later he returned to Mobile. On September 28, 1868, Robert Tarleton, age thirty, died after a brief illness. Tarleton was married to Sallie B. Lightfoot of Pass Christian, Mississippi, and had three children. The last one was born the day after he died.

Sometime between August 27, 1862 and February 18, 1864, Tarleton met and apparently fell in love with Sallie Lightfoot. From the latter date until the end of the war he wrote her regularly, usually every three or four days. Nearly all of the letters were written while he was stationed at Fort Morgan. The published excerpts are from approximately one-third of the preserved letters. They are published by the kind permission of Mrs. Frank Ladd DuValle of Mobile, Alabama.

Fort Morgan
February 22, 1864

Dear Miss Sallie:

Once more at the Fort, and each old familiar brick, wall, and bastion—each picturesque sand hill and stunted pine greets me as a friend. Indeed I believe I feel a great deal more at home here than in Mobile and were it not for the counter-attraction in Green now I would be perfectly contented with its dull and unexciting life. When I first came down here I remember wondering if any mortal man could ever become fond of such a place and for the first ten weeks my opinion was decidedly in the negative, but at the end of that time I was astonished to find myself in a very healthy and cheerful frame of mind, reasoning complacently that after all perhaps this was better than cold rain, hunger, marching and contermarching, bullets and sundry other pleasant little things connected with the field—and the grand conclusion of it all was that Fort Morgan¹ was a very pleasant place and I would remain here very happily till the end of the war. . . .

The enemy have not fired at Fort Powell² since the 16th, the day you left. The only persons injured there were a Lieut. Cogburn and Serg. Stanard, both slightly wounded. The damage to the Fort was very trifling. The officers' quarters, however, were entirely destroyed. No less than five shells bursting in them. Why the enemy have not renewed the attack it is impossible to say—they are still in the sound and in increased force—and the weather for the last three days has been superb. No Iron-clads have yet appeared either in the sound or outside

¹Fort Morgan was a pentagonal bastioned work of brick with forty-five guns located on a long tongue of land extending out from the mainland on the eastern side of Mobile Bay. On the eastern extremity of Dauphin Island about three miles across the channel from Fort Morgan was Fort Gaines with an armament of twenty-six guns.

²Fort Powell, with six or seven guns, was located on Shell Island between Dauphin Island and the mainland. Admiral David Farragut, commanding Union naval forces in the Gulf, ordered a bombardment of the fort on February 13, 1864. For three days four gunboats and six mortar boats shelled the fort.

and they may be waiting for them, as I don't think it possible for them to reduce Fort Powell by a bombardment alone.

There are ten blockaders off the harbor—about the usual number, and I think Farragut must be on board of one of them—for a gunboat came from the Sound this morning and went up to the fleet, with a flag at her peak, which the pilots here said was an Admiral's flag. If this is so, serious work is intended against Fort Powell. What I fear now is that this attack will continue during the remainder of the war for at its present force it can never lead to anything decisive and indeed, unless reinforced with a land army can never seriously endanger Mobile. But I tell you what it can do, and that as effectually as if there were a hundred thousand men in it, and that is, it may prevent my ever getting a furlough to visit you. At present they are not even granting two days' leave to visit Mobile and in truth it is impossible to say what a day may bring forth.

I shall wait as patiently as possible for some time longer and then if there are no signs of an attack on this fort I shall write an application to Gen'l Maury³ and enclose in it a note to Gen'l. Butler with the request that he will present it to Gen'l M. if in his (Gen'l. B's) opinion it would be consistent with my honor as an officer and a gentleman to accept a furlough at the time. Gen'l B. very kindly offered when I saw him last Thursday, of which I wrote you, to do anything he could for me and said he would expect me to call on him without hesitation. If then it should be granted I think I may accept it without any compunctious visitings of conscience. So I will keep myself afloat with that hope as long as possible.

Fort Morgan

February 25th, 1864

Dear Miss Sallie:

For the first time since we parted my head feels like a head and not like a gong under the manipulations of an enraged chinaman. My heart feels much lighter too. The retreat of

Sherman⁴ is confirmed and I can think once more that you are in safety. It really looks as if the storm which frightened you away from Mobile were about to pass away in idle thunder without doing us any harm after all. At any rate there was no immediate danger and you might have remained months longer. I do sincerely hope your father was not very anxious about you.

But although Sherman's movement was a feint or at any rate has terminated like one, I do not think the attack on Fort Powell will prove of the same character. The Yankees seem to be in dead earnest. When I last wrote you—I believe on the 22nd—they had been quiet for several days, but on the morning of the 23rd they reopened and have since kept up a heavy and continuous fire from morning to evening upon the Fort, from mortar and gun boats. The injury to the Fort has been very slight and no one has been killed and I have not heard of any wounded. The latest news today is that they, the Yankees, have landed on Dauphin Island. I can't imagine what they are going to do there, but it does not seem possible that our generals will let them remain.

Gen'ls. Maury and Gilmore⁵—the new Genl. from Charleston, you remember—visited us yesterday and also Fort Powell after dark. I think they were taking a "last long lingering look" at us before consigning us finally to the tender mercies of our friends outside. The Admiral⁶ was along and he gave us

³Major General Dabney H. Maury, C. S. Army, commanding Confederate military forces in Mobile.

⁴Early in February, 1864, Major General William T. Sherman, under orders from General U. S. Grant, captured Meridian, Mississippi, a rail center. He planned to threaten and possibly seize Mobile but his cavalry was defeated by a Confederate cavalry force under Bedford Forrest, and Sherman retired to Vicksburg.

⁵Probably Major General Jeremy Gilmer, who was ordered by President Jefferson Davis to inspect the Mobile defenses.

⁶Rear Admiral Franklin Buchanan in command of Confederate naval forces in Mobile Bay.

the pleasing intelligence that the *Tennessee*⁷ was aground in the Mobile river and that he left six steamboats tugging at her in the vain attempt to move her and furthermore that it was his opinion she never could be gotten down the bay. This was charming to us, but became much more so when he told us, as he did immediately afterwards, that he had received a letter from the President and one from the Secretary of the Navy informing him that Com. Farragut was certainly preparing to run by the Fort and get into the lower bay. If this happens— . . . goob-bye to you for a time at least—sweet lady of my dreams.

Mobile

March 2, 1864

Dear Miss Sallie:

. . . . Do not regard the attack on Fort Powell. It is nothing and can never endanger the safety of the city. Only think, day before yesterday the enemy fired 567 shots—of which only 20 struck the island and 3, the bomb-proof, killing or wounding no one and damaging the Fort so slightly that ten men in ten minutes restored it to its former condition. How long such an attack will last you may imagine. Do not persuade yourself that duty requires you to remain at home now. Should a serious attack be threatened here there will always be timely notice of it. Mrs. Maury is still in the city and I venture to predict will not leave at all. . . . The panic has entirely subsided and everyone laughs at the idea of the city's being in danger.

. . . . Tuesday—I made a brilliant but unsuccessful attempt to return to the Fort. The boat left at ten o'clock and I had the honor of conveying Genls. Maury, Gilmer and Rains⁸ and Col.

⁷Ironclad built at Selma, Alabama, and towed to Mobile for completion. Commissioned on February 16, 1864, she was slightly over two hundred feet in overall length with a rather broad beam of forty-eight feet. She had a battery of six guns and a ram.

⁸Colonel George W. Rains in charge of gunpowder production in the Confederacy.

Ives,⁹ aid to the President. With Gen'l M. you are acquainted and he therefore needs no description. On this occasion he was gotten up "perfectly regardless." He wore a short blue round-about "all buttoned down before" and little bell crowned hat and in fact in the way of costume was a perfect panorama, but his frank smile and high cheery voice audible all over the boat made amends for all deficiencies of dress. Gen'l. Gilmer is a tall sallow dignified man with the exception of his erect military carriage has more of the air of a student than a soldier.

Gen'l Rains, however, was a most comical looking person. You would have enjoyed him. He is, I suppose, fifty, of medium height, with a short, quick, jerky way of walking, and a most peculiar expression of face, the eyes and mouth of which are incessantly in motion. Like Uncle Ned he has very little "hair on the top of his head in the place where hair ought to grow". He is a great torpedo man, you remember, is a perfect monomaniac on the subject—talks of nothing else. I saw him get one innocent and confiding young man in a corner and I am certain he torpedoed him for at least two hours.

Col. Ives was rather an aristocratic looking man with not much of the air of a soldier. This distinguished party were going down to visit Cedar Point and Dauphin Island. At the former place we put them out in a small boat and then steered away for Fort Morgan. We passed through our fleet which was at anchor in line at the rear of Fort Powell. The admiral was on board the *Gaines*¹⁰ and on the quarter deck of the *Morgan*¹¹ I caught the "golden gleam" of two pairs of "celestial

⁹Colonel Joseph C. Ives, aide-de-camp to President Davis.

¹⁰CSS *Gaines* constructed by the Confederates at Mobile during 1861-62. She was 202' long with a beam of 38' and carried an armament of 6 guns. She fought gallantly during the battle of Mobile Bay in August, 1864 until finally run aground by her own officers to avoid surrender to the Union forces.

¹¹*Morgan* was the sister ship to the *Gaines*. She was also built in Mobile and participated in the Battle of Mobile Bay. She was the only Confederate vessel to escape and continued in service until surrendered to Union forces in May, 1865.

rosy red" whiskers on the familiar countenances of Mr. Harrison¹² and Dr. Edmonds.¹³

The Yankee fleet was lying about four miles up the Sound—huddled up together, apparently repairing the damages of the previous day's fight. When we got within half a mile of the Fort it became apparent that we could not land on account of the sea which was running very high and so we put about and returned to the city. At any other time I should have been very well pleased but on this occasion I was not for I knew and know there was a letter from you on board that boat for me. However, back to town we came and what do you think I have done today—read Tennyson and Owen Meredith and written the letter to your mother which I enclose and which I hope will please you and her. Tonight, as you have found out long before this, I have been writing to you.

Navy Cove
March 18th, 1864

Dear Miss Sallie:

. . . . As you see by the date I am not at the Fort this week but at Navy Cove, a flourishing sea-port, beautifully situated about five miles from it on the bay shore. It is a picket station and I have the honor of being in command of the Confederate forces in this quarter. These consist of a Sergeant, a corporal and thirteen men, a horse and two or three dogs.

We came up on Monday—and remain a week and are then relieved. We are the advance guard of the Fort and at the same time serve as an "army of occupation" for this goodly city which is the most important place in this vicinity. Indeed it is thought in intelligent circles here that this was the objective point and not Selma, of Sherman's late campaign, and that his idea was to destroy the horse rail-road between here and the

¹²Commander George W. Harrison, CSN, commanded the *Morgan*.

¹³Probably Dr. Nicholas C. Edmonds, assistant surgeon on the *Morgan*.

Fort—to put a violent end to the oyster trade with Mobile and to wage a vigorous offensive war against the great . . . state of Baldwin. I am convinced that this, had it been successfully accomplished, would have brought the Confederate cause to the verge of ruin. Europe never would have recognized us as long as New Orleans and Navy Cove remained in Yankee possession. So you see the importance and responsibility of my position and the necessity for vigilance. I am seriously afraid, however, that my force is inadequate and that in case of a strong attack I shall have to follow the Fabian policy of Genl. Polk¹⁴ and “skedaddle”. However, judging from the past, that will only give the Richmond authorities, whose nod is the soldier’s fortune, a higher opinion of my strategic abilities. But as I prefer Leonidas (the Greek and not the bishop) and Pemberton¹⁵ to Y’atius(,) and Polk I propose, should occasion offer between now and next Monday to make a grand historic fight here—something in the Thermopylae line that shall throw Vicksburg and Tunnel Hill completely in the shade.

The city itself is well worth fighting for. It is simply a long straggling row of dilapidated one-story houses, paintless and shapeless, built immediately on the shore—the sandy beach serving as the main street and promenade of the village, and being adorned with various canoes and skiffs, hauled up on shore for safety. The shore makes a beautiful curve here which ends in “little Point Clear” and together with a long bar running in front of the place, forms a secure harbor, sheltered in every direction from the winds and waves, where the boats of the inhabitants ride quietly at anchor in all kinds of weather.

Of these inhabitants you never could get any idea from any description. They are peculiar, morally and physically. The men, like all men who have followed a sea-faring life are hardy, robust, industrious and intelligent. Before the war they were almost all pilots and since the war, those of them who remain,

¹⁴Major General Leonidas Polk, CSA, called the Bishop General because he was a Bishop in the Episcopal Church before the war.

¹⁵Probably General John C. Pemberton who surrendered Vicksburg to General Grant in July, 1863.

all the young men being either in the army or navy, have degenerated into a race—half hunter and half oysterman, now and then exercising their old calling of pilot, by taking out some blockade runner—for which they are frequently rewarded by a trip to Fort Warren or some other Yankee prison, returning thence after various intervals with terrible experiences with which to delight the gossips of the “loveliest village of the plain”.

When I came up last Monday I brought up a formidable supply of writing materials intending to inflict at least two letters on you during the week—but alas for human resolutions—I have been compelled to forego that amiable intention by a series of circumstances over which I had no control. In the first place the weather changed suddenly on Monday—the wind blowing “great guns” from the north, rendering it impossible to write at night, on account of the cold which has been like mid-winter, and the impracticability of keeping the light burning. In the second, I was politely but pressingly invited by my friend Major Gee to spend each day with him in the administration of broken doses of justice to various offenders against the majesty of the law who were to appear before the Court Martial of which I told you in my last. My presence being absolutely necessary to constitute a quorum, rendered so by the absence of several members of the court, who had been summoned to town as witnesses. . . .

Fort Morgan
May 18, 1864

My Dear Sallie:

. . . we are expecting a grand sensation in a few days. The *Tennessee* is in sight about ten miles up the bay and they have only to take the camels¹⁰ from under her when she will be ready to go out and raise the blockade. The unsuspecting Yanks are

¹⁰Camels were wooden caissons filled with water, lowered and lashed to the bottom of a ship in order to raise her. Camels were used to lift the ironclad over a bar into Mobile Bay.

quietly at anchor outside little dreaming of the entertainment preparing for them, and as the clown used to say, "the first thing they know they won't know nothing."

It is getting too hot to walk, except in the morning and about sundown and at those hours we have to drill.

Good night.

Fort Morgan
May 20th, 1864

My Dear "best friend":

. . . . We have been having the most beautiful weather, cloudless breezy days and moonlight nights. Last night was the loveliest I ever saw. I was on "Beach Guard" as it is called here, a sort of an inner picket, about a mile from the Fort on the South beach and was awake the greater part of the night. A Yankee gunboat was lying close in and I walked down to the water's edge and took a seat on a friendly log to observe her motions. Never was there a more lovely or peaceful scene. "The moon was up and a thousand stars" sprinkling the waves with silver spangles and flooding the desert sandy shore with a fairy light. It was a scene where a man might forget about wars and excitements and "be still". The sea was almost calm, the surface only broken by slight ripples which dashed gently and soothingly on the sand. No foam, no noise like "the rush of many waters". I fancied the dashing sounded like the low prolonged, measured "hush" of a mother to a restless child.

I should also have been particularly happy, knowing your tastes, to have had you take breakfast with me this morning. Scene—outside the fort in a large room in one of those long, long buildings you perhaps remember. In the center of the room stands a fine table with plates, linens, forks, and chairs arranged as if for a feast. In the center of the table salt cellar, flanked on the right by one black bottle containing catchup and on the left by another variegated bottle, like Joseph's coat of many colors containing pepper vinegar.

Enter, with a rush, five or six young men in a high state of hunger and excitement, joyous expectation of each countenance, and unbuckling swords and hanging hats up on the floor or any other convenient place, seat themselves in the above-mentioned chairs, seize the ditto knives and forks, rap furiously on the ditto table, and call loudly for an invisible and hypothetical individual, named "Major", adding a mild suggestion to "bring in breakfast", "trot out your commissaries", or words to that effect. A low guttural grumbling is heard, followed by a rattling of pots and pans, when enter from adjoining room two Ethiopians, the first and taller bearing a plate upon which repose two loaves of corn bread of the species, called by the learned, gridole cakes, the second and smaller bringing nothing but smiling audibly. First Ethiopian deposits plate upon which reposes cakes on table, second ditto composes countenance and glances expectantly into the faces of the aforesaid five or six young men to turn hungry and inquiring eyes towards the door of the adjoining room. Tall Ethiopian who fills the position of Chief Commissary and cook-master general, stands in the "position of a soldier with out arms" fixing his eyes on vacancy and utterly ignoring the fond hopes his extraordinary behavior is slowly but surely crushing in the hearts or rather stomachs of the aforesaid young men. An ominous pause ensues, a shadow falls on the smiling faces, and the conviction steals into every mind that old Marion and his sweet potatoes was a humbug. We soon rallied, however, and attacked the griddle cakes, which soon disappeared under our united efforts. You see we draw ten days rations at a time and turn them over to the tall Ethiopian and the consequence is before the ten days are over everything is demolished except corn meal.

. . . . The *Tennessee* is expected to go out on the night of the 21st.

Fort Morgan
May 27th, 1864

My Dear Sallie:

. . . . Within the last week we have been on the threshold of great events in this department. I wrote you that the *Tennessee*

had passed the bar and was in sight of the fort some time since. Of course her appearance gave rise to all sorts of reports about intended attacks on the blockaders and every night that appeared at all favorable it was hoped and believed would witness the sinking or dispersion of the Yankee fleet. The undertaking looked like a desperate one. The Yanks must have been informed of our movements for they had reinforced their fleet largely. It consisted of ten or twelve vessels of which six were large sloops of war, carrying the heaviest batteries. Last Monday night our fleet—the *Tenn.*, *Baltic*,¹⁷ *Gaines Selma*¹⁸ and *Morgan* had orders to go out and make the attack and steam was actually gotten up for the purpose, when upon attempting to move her the *Tennessee* was found to be aground and did not get off until Tuesday morning when the tide rose and floated her. The little squadron then steamed slowly down the bay, disdaining longer concealment and heading for the channel as if going out. The Yanks were in line of battle outside the bar and a mile nearer the fort than their usual anchorage and not seeming at all intimidated. The contrast between the two fleets was almost ridiculous. Nevertheless we landsmen prepared ourselves to see a grand fight but our fleet, on getting almost opposite the fort came to an anchor in the most harmless and pacific way. It seems the admiral did not like the looks of the fleet outside. It is said that he sent a dispatch to Richmond stating the strength of the two squadrons and his willingness to make the attack and asking for orders. So there the affair rests and I don't expect to see the fight soon. Everyone thinks the admiral acted most prudently. I don't think the younger portion of the gunboats fancied the expedition much. Mr. Rainey commands all the broadside guns in the *Tenn.*

¹⁷The CSS *Baltic* was a sidewheel ironclad built by the state of Alabama and turned over to the Confederate government for the defense of Mobile Bay. Although her armor was later transferred to another ironclad, she continued to operate with the Mobile squadron until it was surrendered to Union forces in May, 1865.

¹⁸CSS *Selma* originally named the *Florida* was converted from a coastwise packet into a gunboat. Armed with four guns she participated in the Battle of Mobile Bay and surrendered to Union naval forces during the engagement.

Fort Morgan

June 5, 1864

My Dear Sallie:

. . . . Since my last we have been having something of an excitement in the shape of a little misunderstanding with our Yankee friends about an English steamer the *Ivanhoe*, which ran aground last Thursday night in attempting to run the blockade. She lies about a mile east of the Fort within a few yards of shore, hard and fast aground. The guns of the enemy awakened us from our peaceful slumbers Thursday night about midnight to the great disgust of your humble servant while the harsh "rolling" of the "alarming drum" suggested the idea that possibly General Page's¹⁹ idea was about to be realized by a night attack, or attempt to run by us without stopping to pay the salutes which international etiquette requires. In less time than it takes to write it we were at our respective batteries in a high state of rage and patriotism, eager to pour our "volleyed thunder" on the "vandal foe" (quoted from late newspaper). In this amiable wish, however, we were disappointed. The "vandal foe" ceased firing and after an hour of impatient waiting during which hour many a bloodthirsty mosquito was sent to that "country from whose bourne" no mosquito was ever known to return, we were dismissed to our quarters.

Scarcely had sleep, however, wrapped me in its blanket as the courtly squire and pride of chivalry Sancho Panza expresses it, than I received a summons from Major Gee to arise and gird on my sword and go forth with my company to defend a stranded vessel from the attempts of the "ruthless invader" (quotation No. 2). A march of half an hour brought us to the vessel, a light beautiful steamer just over from England in her first trip and loaded, it was said, with government stores. One company has already reached her and was engaged in boating her cargo ashore, while my patriots addressed themselves to the arduous

¹⁹General Richard L. Page was the commanding officer of Fort Morgan from the fall of 1863 until the fort surrendered. Before this he was an officer in the Confederate States Navy.

duty of moving it from the shore over the sand hills, a few hundred yards off, to be protected from the fire which the enemy was certain to open as soon as daylight enabled them to discover the vessel and our occupation. The scene reminded me of what I had read as a boy of ship wrecks on the Coast of Sahara. Sure enough as soon as it was light the Yankee gunboats bore down towards us and after an hour or two spent apparently in making observations, opened fire. Five gunboats, a sloop of war, and a small craft of no particular class or description, steamed up and arranging themselves in a semi-circular line of battle, at a distance of about $3\frac{1}{2}$ miles from the Fort and $2\frac{1}{2}$ from the *Ivanhoe* participated, pouring a hot fire of shot and shell, heavy and light, round and cylindrical. They kept this up with various degrees of rapidity all the morning, the Fort replying very slowly. The companies had in the meantime been ordered to the Fort, leaving only a guard over the stores which had been landed. I remained with the guard til breakfast time and then returned, my walk being diversified by falling shot and bursting shell.

Friday night I had the pleasure of sleeping in quarters. Saturday, which was yesterday, we were firing at the fleet at intervals all day and they at us, and last night I again had the pleasure of going to the assistance of the *Ivanhoe*. The night passed off very much like that of Thursday except that about two hours before day the gunboats slipped in very near her and suddenly opened fire, the shot flying pretty thick for a little while. Nobody was hurt and the only thing I have to regret about the affair was that some of my men behaved badly and I shall have to prefer charges against them. . . .

Fort Morgan
June 17th, 1864

Dear Miss Sallie:

You cannot imagine a more disagreeable life than I have been leading since we parted. To be sick anywhere is bad enough to one of as impatient a disposition as myself, but to be sick at

Fort Morgan without a single thing to make confinement tolerable, except the release from the senseless round of drilling, etc. which go to make up the "pride, pomp and circumstance of glorious war" as seen in this garrison, is enough to make one think of Job with contempt. I am happy, however, to be able to report myself "fit for duty" once more. One advantage about the place was that there was no temptation to break the doctor's injunction not to eat anything—or so little that one cannot take credit to himself for obeying it. I find another cause of congratulation in the fact that half the time of my sickness, my mess has been on the point of starvation, or rather reduced too the salubrious diet of "corn bread straight". Under such circumstances blessed is the man who eats nothing. The difficulties we have to encounter in getting a quantum sufficit of "daily bread" are many and ludicrous in the extreme, and almost all proceeding from our own laziness which makes us "rather bear the ills we have" than take the trouble to correct them. . .

Navy Cove

June 26th, 1864

My Dear Sallie:

I believe I told you in my last of my being on picket which will account for the date of this letter. . . . Picket life is as monotonous as anything you can imagine, a sort of Castle of Indolence style of existence, in which the grand desire (?) is to kill time. mosquitoes, and sand flies and keep cool. However, it is a change, a different kind of monotony from that of the Fort and therefore agreeable. The peninsula is about a half mile wide here and about the middle of it is situated the headquarters of this Department, pleasantly surrounded by ponds and marshes, the home and hiding places of countless insects of various and ruthless dispositions, and concealed from the view of the Yankee fleet outside by sand hills and thick woods. It has a charming exposure to the sun as they will find to their cost, who attempt to spend a day there. I generally abandon the position about sunrise and return at sunset, turning over the command to the Sergeant of the guard, with instructions to hold it to the last ex-

tremity if it should be attacked during my absence. A bath in the surf at sunrise, an early breakfast, a ride down to the Fort to get the papers and possibly a letter from yourself, then a ride back in the hot sun, dinner and a long afternoon which seems as if it would never pass, spent in lounging about in the shade with an occasional doze when the mosquitoes permit, brings me to a cool breezy evening, when another swim, supper and the "day is done." . . .

Fort Morgan
July 7, 1864

My Dear Sallie:

. . . . I wrote you of the steamer *Ivanhoe* and the controversy going on about her between ourselves and the Yanks, which so far may be said to be in favor of the latter. There has been no artillery firing since the 4th. Up to that day it was going on every day and occasionally at night. On the afternoon of the 4th four large vessels and several gun boats came up in three miles of the fort and opened fire dividing their attentions at first about equally between it and the *Ivanhoe*, but towards the last devoting the most of it to our entertainment. For an hour or two shot and shell were shrieking and bursting about our heads at a very lively rate, causing some very quick dodging. "Wall flowers" were in the majority decidedly. Many amusing scenes occurred. The fort fired only a few shots in reply. "Nobody hurt" although two shells fell in the citadel and several struck different parts of the works.

Night before last I was detailed to command a detachment of thirty men and ordered to guard the *Ivanhoe* as it was expected the enemy would attempt to burn her. Before leaving the post I saw Col. Jackson the post commander and received from him instructions not to board the vessel or not to let anyone else board her — a most absurd order as the sequel will prove and as I then thought.

I was delayed about an hour before starting and again went to see him and asked him if I could board the vessel and

he replied that I was not to do so but was to protect her as well as I could on shore. A very difficult thing to do as my men were armed with rifles and muskets only. I reached the shore opposite the *Ivanhoe* about 9 o'clock and posted sentinels in the places best suited to give them a view of anything approaching the vessel. She was lying aground about forty or fifty yards from the shore and parallel to it. The night was dark and though starlight overhead and in the north, the southern sky was hidden by masses of black clouds, through which the lighting burst at intervals, blinding us for an instant and leaving everything blacker than before. About ten or eleven o'clock three gunboats were discovered approaching slowly from the eastward.²⁰ They came on very cautiously, until within a half or quarter of a mile of us and then remained motionless. Expecting a load of grape or canister from them I moved my detachment a little to the left into a slight hollow and sat down on the water's edge to watch them. About twelve or one o'clock the corporal of the guard came running to me saying the launches were at her and immediately on his footsteps followed one of the sentinels reporting that he had heard men jumping on the deck. I ran my detachment down opposite her and as soon as the sounds on board satisfied me that men were really on board of her ordered firing to commence, directing the men to sweep the decks. Almost simultaneously with this order brilliant flames shot up from the door and windows of the cabin aft, and from the forecastle and spread with great rapidity, evidently fed by some very combustible liquid. Then followed sounds of men running hurriedly and jumping into the boats.

I continued firing until the distant shouting told me that the launches were at a safe distance, my fire being replied to by large guns from one of the gunboats and small arms from the launches. The affair was very neatly managed by the enemy although they were favored by the darkness, by the fact that there were no men on board and by the negligence of my sentinels. For the last there was much excuse in the darkness of the night,

²⁰For the destruction of the *Ivanhoe* see the report of Captain Percival Drayton to Admiral Farragut, July 6, 1864, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series I, XXI, 355-356.

and the position of the vessel, which was such that it would conceal any boat approaching from the view of our shore almost as soon as the darkness of the night would permit them to be seen, — so that between the two a sentinel had to be very vigilant to discover anything approaching from the sea. The order not to go on board was the cause of our bad luck. If I had been on board with thirty men I have no hesitation in saying the vessel could have been defended. About a half hour before day I sent on board to see what progress the flames had made and found the bow and stern partially consumed but the middle untouched. As I had no buckets or anything of the sort I could do nothing towards staying the flames. A keg of powder was found with a fuse in it which the Yanks had failed to light. Of course, the officer in charge will be blamed for the affair and it is only natural that he should, by those ignorant of the facts, but it is the opinion of every officer who has seen the vessel that she could not have been defended by men on shore. . . .

Fort Morgan
July 10, 1864

My Dear Sallie:

Tomorrow is my day for writing but as it is more than probable that I will be on duty tonight, and consequently not in an epistolary mood at that time, I avail myself of an hour's leisure this morning to inform you that I am not feeling very well and hope these few lines may find you enjoying the same blessing. We are having a good deal of work now of the most harassing nature. The *Ivanhoe* is still on our hands and a great bore she has been. What with unloading and guarding her, moving her cargo, and now getting out her machinery, we are all most heartily sick of her and sincerely wish some Yankee shell had sent her to the bottom ere she had reached these Confederate shores. The Yanks have made only one attempt to board her since the night they partially burned her, of which I wrote you in my last, but owing to the fact that we had men on board they were easily repulsed. Since then they have been shy of her.

But last night, as if one at a time were not enough, another beautiful steamer, a little larger than the *Ivanhoe*, got aground in the Swash Channel just in front of the old hospital, the large building you may perhaps remember, just to the left of the Fort. She is a beauty, of wonderful speed, and passed the cordon of Yankee gunboats last night without attracting a shot, but owing to the fact of her being overloaded, grounded in the middle of the channel in the position described, which is immediately under the guns of the Fort. Genl. Page with his usual good judgment turned the whole garrison out at the first alarm, although already worked to death, and kept them on the walls from one o'clock 'til day, though what possible good they could do there no one can imagine, while as if to verify my theory that a man never learns anything by experience, he refused to allow a company to go on board of her to protect her from a boat attack, the danger to be most apprehended; replying to Major Gee, who urged him to do it, that sharp-shooters on shore could drive launches away from her.

You must know that she lies about 250 yards away from the water's edge, about as far as one could see a boat such a night as last night was. I respectfully submit that a man who would express and act in so important a matter upon such an opinion, after the burning of the *Ivanhoe*, which you remember was in forty or fifty yards of the shore, whatever his qualifications for naval or military command may be, *must* be deficient in the upper story. I am certain that our venerable general is not in a position, should opportunity offer, to add to his reputation. He is beginning to find out he is not on board the "ship of war Gumination (?)" and I don't think his head has yet recovered from the confusion into which great and unexpected discoveries are apt to throw people. Like poor slip-shod Mrs. Wragg's "its buzzing, buzzing". Though not gifted with second sight I feel something like a "prophetic fury", seize my pen and venture to predict that if we are ever attacked, or the fleet attempts to run by, or the enemy make a landing anywhere in his brigade, the confusion and upheaving of his intellectual faculties, the mental excitement caused by the sudden rushing in of new and the violent skeddaddling of old ideas struggling in "acticulo mortis" will be terrible in its effects — something like the popping of champ-

agne corks or any other sublime affair your imagination may suggest.

At daylight this morning the Yankees discovered the last steamer whose name I have forgotten to tell you, it is the *Virgin*, and after about two hours delay opened fire on her, since which time they have fired about 100 shot and shell. When I commenced writing the explosions were quite regular, but now they have almost ceased. Before I left the walls they had made some very pretty shots but had not struck her. It is thought she will float at high tide.

I must tell you a remark made by a young lady, a visitor of a Mrs. Williamson, the wife of the adjutant of the post. She said she did not mind the Yankee's firing in the daytime but it did *mortify* her very much to hear it at night. The ladies of the Fort have had a terrible time for the last ten days, you may imagine, but I must tell you about it in my next. . . .

Fort Morgan

July 12th, 1864

My Dear Sallie:

. . . . I wrote you of the mishap of the steamer *Virgin* and of our being called to the guns and kept there until day by our considerate general. The day of the 11th passed quietly, varied only by the attempts of the Yanks to destroy the *Virgin* with shells, in which they met with no success although some shots struck very close to her. I don't think the Fort fired a shot, as from some cause or other they (the Yanks) kept at a very respectful distance.

In the afternoon, I and a friend, Lieut. Smith, who is a much more uncommon fellow than his name, concluded to take a ride, if it was possible to persuade our friend, the Quartermaster, to furnish the horses. Successful in this we sallied forth, mounted on Confederate thoroughbreds and directed our course towards the South Beach, which we proposed to scout for several

miles to the eastward in the hope of finding some of the foreign plunder, vast stores of which report said had been "cast upon the waters" from the *Virgin* when she ran aground. We were slightly disappointed in this, and after quite a long ride, . . . we turned our horses' heads towards Navy Cove and paid our respects to an old nautical and piscatorial friend under whose roof we shrewdly suspected were concealed numbers of that interesting vegetable yclept watermelon. We were not deceived, and soon you might have beheld us, had you been in seeing distance, each seated in front of a goodly melon, pictures of serene enjoyment. In this fascinating employment we lingered 'till after dark and then rode home, taking the way of the South Beach.

About half way between Navy Cove and the Fort a new battery has recently been constructed and near it the picket line of sentinels established. Through this picket line, of course, we would have to pass. The night was quite dark, the sky covered with black, dense shifting clouds, through which vivid flashes of lightning burst every now and then — just such a night as a tragic novelist would choose for something terrible to happen in. We were riding slowly along the beach speculating on the probability of getting a ducking before we got home and wondering whether we had passed the sentinels or not. Smith said we had, I said we had not, and we had just convinced ourselves, each of his own opinion, when we heard a shot, a sharp report, the unmistakeable singing of a Minnie ball and the dull striking of the same at our feet, to the great alarm and confusion of our horses, settled the discussion more quickly than agreeably. We shouted "friends" and urged our thoroughbreds into the fastest gallop possible to get out of the uncivil fellow's way before he could reload. I presume the sentinel challenged and we did not hear him and so he fired. We had not passed him a quarter of a mile before we met the threatened shower and in less than two minutes were as wet as if we had been thrown into the sea. The way it rained would have made old grandfather Noah open his venerable eyes. We reached the Fort in wretched plight, cheering ourselves with the fond hope that there our troubles would end for the night.

But alas, new troubles and new duckings were before us.

We were met on the threshold, or to speak literally at the sally-port, with the intelligence that our two companies had been ordered on board of the *Virgin* to protect her from the fate of the *Ivanhoe*. Two minutes were sufficient to behold us arrayed in dry clothes and ready for the fray. My company was ready, but Capt. Campbell being missing, was without a commander. As soon therefore as one appeared in the person of your humble servant, the command to "fall in" was given.

It was at this moment your letter was handed me, I need not tell you with how much pleasure and pride I read it.

. . . . I was just commencing a second perusal of your letter when someone came in and said the Genl. wanted to know why my company was not on the boat. Of course, "Forward March" was then the order of the day. We marched down to the wharf and on board of a small steamboat . . . and after some delay, pushed off and went around to where the *Virgin* was lying. We came alongside, made fast, and transferred out two companies, in all about eighty men to her decks and proceeded to arrange them in the order best suited to receive the Yankee launches should they make an attack. We found the vessel deserted by her captain and all the crew, except one officer and three or four men who I believe had gotten drunk and gone to sleep. The discovery was soon made, too, that the ship was nearly half full of water.

It seems, on inquiry that the Captain and crew had been alarmed by the appearance of three Yankee gunboats a mile or so astern and had skedadled, and the engineer, to prevent the ship from floating off when the tide rose, had pulled out some plug or turned something which let the sea into the ship. Here was a pretty kettle of fish. We had been sent out there to defend her while the crew should transfer about sixty tons of coal to the [steamboat] . . . which it was hoped would lighten her enough to float her over the bar. But crew being gone, nothing could be done. Capt. Campbell, who commanded the two companies, concluded to report the state of things to Genl. Page and select your humble servant to bear the tidings.

It was a most disagreeable duty. I had to go ashore in a small boat and walk to headquarters. It would have been nothing in ordinary weather, but just as I pushed off from the ship a tremendous squall struck us. It rained and blew big guns. I thought the boat would fill before we reached the shore and indeed it was so dark that I had to trust to flashes of lightning to steer the boat by. The crew I had, too, were landsmen and not much accustomed to the oars. However, we made the trip without any more serious mishap than a good ducking. I was much amused at the two Englishmen who came ashore with me. We had not gone twenty steps before they became very anxious about sentinels. I quieted their fears by telling them that our sentinels were "all around there in front of us" and were very frightened and had orders to fire after challenging us once. Upon reporting, the Genl. sent me back with orders to Capt. C. to remain on board until dawn and defend the vessel if attacked as long as possible. The trip back was just like the first except we had no rain. The night passed off quietly and would have been pleasant enough but for the wet clothes which with a brisk breeze kept me moving all night to keep warm. At daylight we again transferred ourselves to the C.S.M. and bid farewell to the *Virgin*, flattering ourselves that a few minutes more would see us in our quarters. But just as we were nearing the wharf, another tremendous squall, more violent than the other, struck us, making our frail old tub tremble like a leaf and making it impossible to land. We had to steer for the western side of the bay for shelter. The storm lasted about an hour and then abated enough for us to land, and a more tired and sleepy set you never saw. That ended the perils of the night and it was not very long before I had forgotten them all and the "rest of mankind". . . .

Fort Morgan
July 19, 1864

My Dear Sallie:

. . . it would be entirely fruitless for me to attempt to get a furlough from the unsympathizing powers that be. They pretend that affairs look threatening in this quarter, but nothing

has as yet shaken my profound incredulity on that subject. I might get a furlough to go to China and then return before Fort Morgan or Mobile is seriously attacked. It is said some iron-clads have reached Pensacola but that, if true, is to make the blockade of the *Tennessee* effectual, and not for an attack. The military authorities at any rate are alarmed. They have "Pressed" all the negroes at the salt works in Clark County and at Run Secour and sent them down here to work on the Fort. They propose to cut down the Citadel, the tall decagonal structure in the center of the Fort, to about seven feet off the ground and bomb-proof it. Opinion here is divided as to the utility of the scheme, but all are agreed that if an attack is really imminent the work is most untimely. . . .

Fort Morgan

July 21, 1864

My Dear Sallie:

. . . . The rumors of the threatened attack of which you speak, secured something like confirmations yesterday afternoon in the appearance of an iron-clad, a regular "turretted monster" yesterday afternoon. She came from the direction of Pensacola. The quid-nuncs, of course, are in a great state of excitement and Gen'l. P. is clearing for action by ordering away all ladies, laundresses and non-combatants generally. I need not tell you that it will take more than one monitor to shake my incredulity on the subject of an attack, although I think Gen'l. P. is right to get ready for one. Anything is possible, but I don't think the appearance of this vessel is at all a conclusive point. They may make quite a serious demonstration with the view of drawing attention and troops to this place, but without an army they will hardly commence a serious attack. I must confess, however, that scarcely anything but the opening of the battle itself could overcome my scepticism on the subject.

You must not believe rumors nor give way to feelings of anxiety. There is very little danger of being killed here and before the Fort can be starved into surrender the war will be de-

cided on other fields. To me everything looks hopeful and promising of great results, except the relieving of General Johnston,²¹ of which we received the news yesterday. That is ominous of evil as it shows the return of the old spirit of meddling by the Richmond powers which time and again has paralyzed our cause in the Southwest. It is a spirit of self-conceit and pride which I fear will never end a war, the vicissitudes of which are so plainly governed by the hand of Providence and which is so evidently, as it seems to me, sent upon us as a chastisement and discipline. Whenever we have grown self-confident and boastful some crushing defeat has humbled us and brought us to our senses again and it is with more apprehension than hope that I see that spirit returning in the very crisis of our affairs, when peace and independence are becoming visible — distant — but still visible.

Fort Morgan
July 26th, 1864

My Dear Sallie:

Yours of the 18th was received yesterday. Nothing of interest has occurred here since my last and now that dark nights have come again, I am beginning to look forward with interest to the arrival of another unfortunate blockade runner — tho I expect if one does come, I shall wish it at the bottom of the Gulf before we get through with it.

I am sorry I can do nothing towards moving the *Denhigh* out. She seems to be a fixture in our bay, having disregarded many fine opportunities. The fact is the blockade is nearly "effective" now. Our new friend, the Iron-clad, the day after arrival, of which I wrote you, came inside the bar and anchored off Sand Island, about three miles and a half from the Fort, where she is now lying, attended by two gunboats, as pickets I

²¹General Joseph E. Johnston was removed by President Davis from the command of the Confederate Army of Tennessee on July 17, 1864, for failing to halt Sherman's advance on Atlanta.

suppose. This with the reported raid of Pollard²² from Pensacola and the rumor of more monitors at the latter place seems to have confirmed our nautical general in the belief that the day of trial is certainly approaching. Several days ago his "battle order" was published which was very like any other battle order with the exception that I think it is a little premature and likely to be forgotten before the fight of which it purports to be the herald takes place.

You see I do not share in the idea that we are going to be attacked, nor will I, until the signs become more legible than they are now. When there are six or seven turretted monsters inside the bar and an army to threaten Mobile or Meridian and Demopolis I shall become a convert. But it does not seem reasonable that the Yanks should revise the whole principle on which they have conducted the war for the benefit of Mobile. I think this must be the opinion at Dept. Hd.Qts. or they would not commence such an undertaking as cuttingdown the citadel of which I wrote you. If we are likely to have a bombardment in the meanwhile, the work is most ill-advised. It is very disagreeable to have Don Quixote for a general who smells blood on every breeze, transforms every windmill into a hostile giant and every flock of sheep into an army. He keeps everybody in an uncomfortable state. If there were three monitors in the bay the blockade could not be much more effective than it is at present and the worst of it is that there is no prospect of change as long as there is a single Yankee ironclad in the Gulf of Mexico, which from present appearance will be for the remainder of the war.

I need not tell you why I particularly dislike such a state of things. I sincerely hope it may change before October. There is some talk of our having a new commander and for one I hope they will send us a soldier. We have given the navy a pretty fair

²²Expedition of 1,100 Union soldiers from Barrancas, Florida to Pollard, Alabama, July 21-25, 1864, supposed to link up with a detachment of Sherman's army, but the meeting did not take place. The expedition did destroy some Confederate positions including a fort guarding the Pensacola Railroad some fifteen miles from the port. For various reports of the expedition see *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series I, Volume XXXV, part 1, 413-419.

trial and it is time to send us someone who does not think a Federal ship of war invincible. I have noticed one peculiarity about our naval men here, from Admiral Buchanan down to the last midshipman and that is an unlimited capacity for getting excited. They fly off the handle at the shortest notice and on the slightest pretext. If the "six" young ladies of Morven had constituted the crew of the *Tennessee* the other day when the Yankee Monitors hove in sight they could not have gotten into a greater flutter than did her present occupants on that occasion, if all accounts are correct. I really believe they are responsible for General Page's state of mind, and of course I don't feel at all grateful to them.

Fort Morgan

August 1st, 1864

My Dear Sallie:

. . . . Things are beginning to assume a warlike aspect off this harbor and if the Yanks do not intend to attack us, for some reason or other best known to themselves, they desire to make us think so. I have written you of the arrival of the Monitor. Three or four days ago she came inside of Sand Island, in about two and a half miles of the Fort, and anchored. She now lies there, in a secure harbor, attended by several wooden vessels which Gen'l. P. will not fire on, though they are all in easy range of our guns. Yesterday afternoon another ironclad,²³ some say a double-turretted Monitor and others a Mississippi river ram, of the model of the *Tennessee* came from the westward and joined the single turret and today a smoke is seen approaching from the same direction, which is thought by some to be another. In addition to this many of the blockading fleet have taken down their top-masts and upper yards as if preparing for a fight. These things look like work though when it will begin it is impossible to say—Gen'l P. thinks very soon. But in war nothing is more deceptive than

²³Monitor *Manhattan*, single turret with two fifteen-inch guns.

Fort Morgan
August 4, 1864

My Dear Sallie:

Affairs are still looking warlike. Twenty-three vessels of the classes outside, of which three are Monitors, and mortar boats said to be coming. Yesterday a small fleet of six transports loaded with troops, and four gunboats, came out of the sound through Petit Bris pass, and late in the afternoon commenced landing troops on the west end of Dauphin Island. And this morning these troops were seen marching up the beach towards Fort Gaines. It is thought there were from two to three thousand. This would seem to indicate that Fort Gaines is to be seriously attacked first and if this should prove to be the case I should not be surprised if we had no fight at all at this fort. For if the Yankees take Gaines and Powell this fort will fall, of course, by starvation in as short a time as they could reasonably hope to take it. However, it is useless to speculate about such matters. We are in a position from which there will be no retreat and we shall have to do the best we can. Still it is possible the enemy may not run their iron-clads by us, for if they intend doing so at all, I can't see why they haven't done it already. They have been here now almost a week and could have passed us any night or day. I sincerely hope they will try to take us by an attack and not be cutting us off and starving us out. . . .

Mobile
April 2nd, 1865

My Dear Sallie:

Our city is not at all changed in appearance—the band plays in the square as usual and to judge from the display on such festive occasions, you would never suppose it is in a state of siege, although Gen'l. Maury says so. Some Yankee prisoners captured a day or two since report that Spanish Fort²⁴ was a

²⁴Spanish Fort, directly across the bay from Mobile, consisted of three redoubts connected by rifle pits and backed up by artillery.

regular take-in. They were told by their officers that they could take it in two hours. We get very little news from there. In fact, I don't suppose much is going on except digging and skirmishings. Our men say they are killing a good many. The enemy have established a battery which prevents boats going to the fort at all in the daytime. They sent a shell through the *Jeff Davis*²⁵ day before yesterday, which made her about face in double quick and also struck the *Nashville*²⁶ nine times. I think affairs look encouraging.

I understand that Gen'l. Beauregard said that the fall of Spanish Fort would insure the fall of Batteries Tracy and Hager which command the channel, as Spanish Fort is 3,000 yards from L. and H. I am happy to say I coincide with Gen'l. B. Of course, it would very unpleasant to have a strong Yankee battery at Spanish Fort, pounding away at Tracey and Hager, but still if the latter are properly constructed works they can stand it for an indefinite period, and I am told they are quite strong. I write you this by way of reassuring you, because it is the general opinion, and one which I shared until I learned the distance from the Fort to F. and H. that the capture of the fort would ultimately necessitate the capture and evacuation of Mobile. You often hear the expression, "Spanish Fort is the key to Mobile." No such thing! It is only an outpost. So unless the enemy has some very strong card hidden away somewhere which he is keeping back to play at the decisive moment, I think we are going to win this little game. So I don't want you to be one of those who say, "Of course the enemy will take the place—they always do."

²⁵According to existing records there was no Confederate warship named *Jeff Davis* at Mobile. It could have been one of the steamboats used to carry supplies to Spanish fort.

²⁶A large side-wheel steam sloop built by the Confederates at Montgomery, Alabama, and taken to Mobile for completion. Still fitting out, she took no part in the battle of Mobile Bay on August 5, 1864, but continued to operate with the Confederate naval forces defending Mobile and was one of the vessels formally surrendered to Union forces at Nanna Hubba, Alabama, May 10, 1865.

Demopolis (?)

April 27th, 1865

My Dear Sallie:

Nothing but my promise could make me write to you today. My note yesterday must have raised hopes which this one must destroy. The news from Gainesville is not believed at all here. The account here is that Gen'l Beauregard has telegraphed to Howell Cobb²⁷ telling him that a truce "to settle the national difficulties" has been agreed upon by Sherman and Johnson, and the inference here is that the basis of any arrangement will be the capitulation of Johnston's army, which is represented to be in a desperate situation. Gen'l. Thomas²⁸ has advanced from Knoxville to Saulsbury N.C. Foster²⁹ is moving from Charleston to Camden and Wilson³⁰ is before Macon, Ga., where the account says he is stopped by the news of the truce. If this is true it places Johnston in a desperate situation. The surrender of Lee is not doubted here and our cause is looked upon as gone.

This is the bluest place I have seen and I shall be glad to get away from it today. It is said that General Taylor³¹ went to Mobile yesterday from Meridian. Capt. Carpenter is here with William. I shall see him this morning and give him your father's message. It is said the negro men are all running away from Mobile to avoid the Yankee conscription.

²⁷Secretary of the Treasury under President James Buchanan; one of the prominent Southerners who met in Montgomery early in February, 1861, to found the Confederate States of America; later appointed a brigadier general and was in command of Confederate forces in southwestern Georgia during the last few months of the war.

²⁸Union general George H. Thomas.

²⁹General John G. Foster commanded one of Sherman's columns in his march through the Carolinas.

³⁰General James H. Wilson made a raid from North Alabama across central Alabama and Georgia destroying railroads, supply depots, naval establishments, etc., at Selma, Columbus, Georgia, etc.

³¹On May 4, 1865 General Richard Taylor surrendered the largest remaining army east of the Mississippi River at Citronelle, Alabama.

THE FRENCH COLONY IN MARENGO COUNTY, ALABAMA

by

Camillus J. Dismukes

Can you imagine Napoleon Bonaparte tilling the soil in Alabama? It almost happened! When the Emperor abdicated in June, 1815, in favor of his young son, he made for Rochefort where two frigates were waiting to bring him to America. Hoping against hope for a revival of popular support in France, he delayed his embarkation until his escape was cut off. Afraid of falling into implacable Bourbon hands, he surrendered to the British on July 15.¹

A large company of his followers did come to America after the Second Restoration, however. Upon the execution of Marshal Ney in 1815, they departed France. Assembling in Philadelphia, they formed an association to manage their settlement of a colony. Scouts were sent out to explore possible sites along the Mississippi, but the decision was to settle near the confluence of the Black Warrior and Tombigbee rivers in what was then the Mississippi Territory. Ill-advice convinced them that they could convert this canebreak wilderness into vineyards and groves. The deciding factor was the proximity they would have to other Frenchmen in Mobile and Louisiana.²

Congress granted the refugees, by an act of March 3, 1817, four townships there, each six miles square, at \$2 an acre. Further provisions allowed them credit for fourteen years, but stipulated that the grantees had to cultivate the olive tree and grow vineyards.³

¹Fauvelot de Bourrienne, *Memoirs of Napoleon Bonaparte* (New York, Frederick A. Stokes Co., 1903), 510-511; Paul A. Gagnon, *France Since 1789* (New York, Harper and Row, c1964), 97; Albert Guerard, *France: A Modern History* (Ann Arbor, University of Michigan Press, 1959), 281-282; Jesse D. Reeves, "The Napoleonic Exiles in America," *Johns Hopkins University Studies in Historical and Political Science* (Baltimore, Johns Hopkins Press), XXIII (1905), 13-15.

²Reeves, "Napoleonic Exiles," 35.

³*Ibid.*, 35-36.

American historians assume that all these Napoleonists were expelled from France, or fled to escape death from the restored Bourbon dynasty. French historians, however, give little to support and much to refute this idea.

Louis XVIII came to the throne in April, 1814, an aged and gouty man with no wish to resume his long exile. He was willing to make concessions because he recognized that the 25-year history of the Revolution and Empire could not be written off by returning to absolutism which had caused it.⁴ The men who secured his throne required his commitment to liberalism. Louis' first act was to grant a *Charte* which established a liberal constitutional monarchy. By the terms of this Charter, the continuance of all pensions, ranks, and honors of the Napoleonic regime was guaranteed.⁵ Although economic necessity required a reduction in the army, Napoleon's veterans who could not be retained in active service were retired on half-pay.⁶ Louis XVIII created a new House of Peers, but it was an equal amalgam of Napoleonists and royalist aristocrats. It is especially significant that every person named to his cabinet was formerly a minister under Napoleon — although Talleyrand, the opportunist who foresaw the Empire's downfall, had ruptured with Napoleon in time to be chiefly instrumental in restoring the Bourbons to power.⁷

Even after Napoleon's Hundred Days and second abdication, Louis continued determined to heal the nation's wounds and to retain in his cabinet Napoleon's old administrators.⁸ This was

⁴Andre Leveque, *Histoire de la civilisation française* (New York, Henry Holt and Co., 1949), 378; Daniel P. Resnick, *The White Terror and the Political Reaction after Waterloo* (Cambridge, Mass., Harvard University Press, 1966), 1.

⁵Herbert Butterfield, et. al., *A Short History of France* (Cambridge, Cambridge University Press, 1961), 137; Pierre de la Gorce, *La Restauration: Louis XVIII* (Paris, Librairie Plon, 1926) I, 17.

⁶Butterfield, *Short History*, 138; Ernest Daudet, *Histoire de la restauration* (Paris Librairie Hachette, 1882), 29.

⁷Gagnon, *France Since 1789*, 100.

⁸*Ibid.*, 80; Guerard, *France*, 278.

⁹Frederick B. Artz, *France Under the Bourbon Restoration* (New York, Russell and Russell, Inc., 1931), 17.

partly from his realization that his throne depended upon their support and partly from the Allied conquerors' insistence that he use only men experienced in government. Such were not to be found in his own Royalist ranks, who had been out of power and in exile for many years. Despite his efforts, Louis was compelled to submit a little to the pressure of the Ultra-royalist party, headed by his brother, the Count d'Artois,¹⁰ and to the pressure of the Allies enraged at Napoleon's audacious return from Elba. In his proclamation of July 16, 1815, the king continued his declaration of intent to maintain a liberal government by granting a general amnesty, from which were excluded only 57 chief supporters and conspirators of the Hundred Days. The act proscribed a list of 19 men to be tried for treason, and inflicted on 38 others the traditional severe (for a Frenchman) penalty of exile from Paris to the provinces.¹¹ His minister of Police, Fouché, ex-Napoleonist and friend of the condemned, arranged for the escape from the country prior to the proclamation of all except Marshal Ney. It seems evident that this was done with Louis' acquiescence. Even Ney was fore-warned in time to escape,¹² and given intentionally two opportunities to escape his guards after arrest. Louis, a compassionate man, wrung his hands and cried, "We gave him every chance to escape! Why did he let himself be caught?" The answer is that Ney believed he could exonerate himself, and he was too proud to take flight even to save his life.¹³

The government did sentence during the period from July, 1815, to June, 1816, a total of 3,746 persons for political offenses, but very few were executed. Most were released immediately under surveillance, and the remainder within five months. This *Terreur blanche*, or White Terror to contrast with the Red Ter-

¹⁰*Ibid.*, 12.

¹¹Felix Ponteil, *La Monarchie parlementaire, 1815-1848* (Paris, Librairie Armand Colin, 1958), 16. The Alabama grantees on the proscribed list were the Lallemand brothers, Lefebvre-Desnouettes, Grouchy, and Clausel.

¹²Reeves, "Naponeonic Exiles." 23.

¹³R. F. Delderfield, *Napoleon's Marshals* (Philadelphia, Chilton Co., 1966), 218; Resnick, *White Terror*, 70.

ror of the Revolution, was actually insignificant compared to that of 1793 when 17,000 persons were condemned to death by the courts.¹⁴ It loses all proportion of magnitude compared to the slaughter of 20,000 Huguenots in the St. Bartholomew's Day massacre of 1573¹⁵ and the countless thousands of Protestants burned or disemboweled alive during the following century. *Le Terreur blanche* was restricted to the Midi, and was directed more at Protestants than at Imperialists.¹⁶ The oppression of Bonapartists seems miniscule compared to current American traffic accidents which caused 55,000 deaths in 1968.

Louis XVIII had the White Terror under control by 1816, and maintained his policy of toleration quite successfully until 1820. The murder in that year of the Duc de Berry, sole prospect for continuation of the Bourbon dynasty, gave the Court d'Artois (later Charles X) a stronger position against the liberals.¹⁷ By that time the Napoleonic refugees were already established in Alabama.

Some historians magnify the White Terror, others consider it insignificant and restricted to the south. Reason seems to demand a better explanation of why over five hundred families followed five proscribed Imperial generals into exile. Even though it was natural for them to feel some panic at Ney's summary execution as a traitor to the nation, Frenchmen are not a breed to flee from panic. We must bear in mind the guarantees given the *egares*, and remember that the vote of 157 to 1 for Ney's death included some of Napoleon's own marshals.¹⁸

We must rather conjecture that the motivation behind this

¹⁴Resnick, *White Terror*, 107, 114, 118, 126-132.

¹⁵Butterfield, *Short History*, 52.

¹⁶D. W. Brogan, *The French Nation from Napoleon to Petain, 1814-1940* (New York, Harper and Brothers, 1957), 17; Gagnon, *France Since 1789*, 96; Resnick, *White Terror*, 14-54, 116-117.

¹⁷Gagnon, *France Since 1789*, 103-104.

¹⁸Geoffrey Bruun, *Europe and the French Imperium 1799-1814* (New York, Harper and Brothers, 1938), 34, 200.

mass emigration was blind, unreasoning loyalty to an emperor who drew men's emotions to him magnetically, a superb psychologist who bound men to him by good pay, extravagant praises, and lofty promotions.¹⁹ It is true that some of Napoleon's officers deserted him when the writing on the wall showed the necessity of doing so to gain peace in Europe and to salvage their own high titles. But the common soldier remained loyal to his Emperor, greeted his return from Elba with joy, and refused to fire on him. Marshal Ney's conduct is a prime example of this emotional magnetism. Realistic enough to know that continuation of the Empire meant endless war, Ney went over to the Bourbons, and was dispatched to block Bonaparte's march to Paris. When the two forces met, Napoleon advanced alone from his ranks to meet Ney. France's really great man, unable to fulfill his oath to bring the usurper back in an iron cage, melted into the tearful embrace of his intended victim.²⁰

The spirit of the Napoleonic soldier, as treated so often in the memoirs of the time and by the authors of Romanticism, seems well summed up in a poem by Heinrich Heine, "The Two Grenadiers." Two grenadiers are returning from imprisonment following Napoleon's disastrous Russian campaign. Reaching Germany, they learn that France has been defeated and the Emperor captured. The two soldiers weep *bitterlich*. One vows that he would gladly give his life for his emperor, although his wife and child at home would suffer. "What matter wife and child?" cries the other. "Let them go beg if they hunger. My Emperor is prisoner!" He exacts the promise that, if he dies, his companion will carry him back to French soil and bury him gun-in-hand. Then, as so martially set to the strains of the "Marseillaise" by Robert Schumann, he promises, "When again the cannons roar, I shall know that my Emperor has returned. Then shall I spring from my grave to protect him!"²¹

¹⁹Leveque, *Histoire*, 354-355; Resnick, *White Terror*, 10.

²⁰Gagnon, *France Since 1789*, 96; Guerard, *France*, 280.

²¹This poem may be found in various editions of the *Oxford Book of German Poetry*/ *Das Oxforder Buch Deutscher Dichtung*.

NACH Frankreich zogen zwei Grenadier',
 Die waren in Rußland gefangen ;
 Und als sie kamen ins deutsche Quartier,
 Sie ließen die Köpfe hängen.

Da hörten sie beide die traurige Mär':
 Daß Frankreich verloren gegangen,
 Besiegt und zerschlagen das große Heer —
 Und der Kaiser, der Kaiser gefangen.

Da weinten zusammen die Grenadier'
 Wohl ob der kläglichen Kunde.
 Der eine sprach : » Wie weh wird mir,
 Wie brennt meine alte Wunde ! »

Der andre sprach : » Das Lied ist aus,
 Auch ich möcht' mit dir sterben ;
 Doch hab' ich Weib und Kind zu Haus,
 Die ohne mich verderben. »

» Was schert mich Weib, was schert mich Kind,
 Ich trage weit bessres Verlangen ;
 Laß sie betteln gehn, wenn sie hungrig sind—
 Mein Kaiser, mein Kaiser gefangen !

Gewähr mir, Bruder, eine Bitt' :
 Wenn ich jetzt sterben werde,
 So nimm meine Leiche nach Frankreich mit,
 Begrab mich in Frankreichs Erde.

Das Ehrenkreuz am roten Band
 Sollst du aufs Herz mir legen ;
 Die Flinte gib mir in die Hand,
 Und gürt mir um den Degen.

So will ich liegen und horchen still,
 Wie eine Schildwach', im Grabe,
 Bis einst ich höre Kanonengebrüll
 Und wiehernder Rosse Getrabe.

Dann reitet mein Kaiser wohl über mein Grab,
 Viel Schwerter klirren und blitzen ;
 Dann steig' ich gewaffnet hervor aus dem Grab—
 Den Kaiser, den Kaiser zu schützen ! »

We can scarcely reconcile flight from a conciliatory king, whose tolerance was assured by men of their own party in the ministry, with men who had manifested on two-score battlefields, from incredible Marengo to inevitable Waterloo, the courage of Ney and the patriotism of the two grenadiers. It seems more likely that they fled the comparative safety and comfort of France to the wild canebrakes of western Alabama from a feeling of frustration, of despair, of voluntary protest-sacrifice. Possibly they inflicted these hardships on themselves from the same motivation which makes Oriental protesters immolate themselves in flame, the same unreasoning protest which led youthful enthusiasts to commit suicide in the Vietnam Peace Moratorium²² as their offering, however futile, for their beliefs.

The *avant-garde* of the Tombigbee colonists sailed from Philadelphia for Mobile in December, 1817. Partially because of sympathy for their project, partially out of compassion for their shipwreck just outside the harbor, they were welcomed warmly and entertained elegantly in this city annexed to the United States only four years earlier. As they left Mobile for the trip up-river in a Federal revenue cutter, the wharf was crowded with their newly-made friends wishing them "*bon voyage*" and "*au revoir*." After changing from the cutter to a barge at St. Stephens, they proceeded up the Tombigbee to a chalky bluff where they chose to settle. To their town they gave the name Demopolis, "city of the people," and to the county they gave the name Marengo to honor the victory which in effect placed the imperial crown on Napoleon's head.²³

With the advanced mission established, other settlers followed quickly. The main body sailed from Philadelphia on the schooner *McDonough*, and arrived at Mobile the following April.²⁴ They also lingered long enough at Mobile to make friends there.

²²October 15, 1969.

²³Vincent J. Esposito and John Robert Elting, *A Military History and Atlas of the Napoleonic Wars* (New York, Frederick A. Praeger, 1964), np; Albert James Pickett, *History of Alabama* (Birmingham, Webb Book Co., 1900), 624; Bourrienne, *Memoirs*, 167.

²⁴Reeves, "Napoleonic Exiles," 38.

These attachments were to serve them well when they had to abandon their Marengo grants.

The original act provided that emigrants other than those named in the grants might join the colony in Marengo. A group of refugees from the slave uprisings in Santo Domingo came in 1820,²⁵ and, strange coincidence, there came also a Spanish general, Juan Rico, who had led the resistance to Napoleon's invasion of Spain.²⁶ What reminiscences the former adversaries must have had together!

We must see the colonists on the Tombigbee in terms of their past luxury and current poverty, these men who had been counts and generals, academicians and courtiers of a Bourbon king and a proletariat emperor. That they were greatly reduced in circumstances is shown by the fact that none bought the maximum allotment of 640 acres, and many had to combine to raise \$80 for purchasing even 40 acres.

They reached Alabama already destitute — except for elegant uniforms and silk gowns, which became their plowman's habit and milking dresses. Their poverty only increased under the reverses they suffered. They came under stipulation that they grow the vine and olive, these men who had never handled a spade, these women who had never done domestic work. Militiamen can return to their abandoned plows, but career soldiers have no orientation with the soil. Surely no colonization was ever made by people more courageous or less equipped, and no other colony had such compounding of mistakes and misfortunes.

Three times they were forced to abandon their arduous developments. The impetuous Latins laid out streets and built cabins without waiting for surveying. When the government surveyors arrived, Demopolis proved to be outside their grant, on

²⁵Albert Burton Moore, *History of Alabama and Her People* (Chicago, American Historical Society, 1927), I, 114.

²⁶Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago, S. J. Clarke Co., 1921), I, 483; Pickett, *History of Alabama*, 630-631.

land previously sold to an American company. Moving deeper into the wilderness, they established a village which they named Aigleville (Eagleville) in honor of Napoleon's standard. It is inconceivable that they should again clear land and build cabins without verification of title, but they story was repeated. They had to abandon again their cabins and improvements.²⁷

The Tombigbee grant was made upon condition that the colonists grow the vine and olive. It proved difficult to even make the plantings because the region was a canebrake wilderness. The plants, shipped from France, were often either of the wrong variety, arrived out of season, or were improperly packed — even if the colonists had known how to tend them. Frost killed back the olive trees, and the vines which managed to live ripened their fruit in the summer months with the result that the frementation was more acetic than vinous.²⁸

Most colonizations are made with regard to water transportation, either on the coast or on navigable rivers. This is best exemplified by the French settlements along the St. Lawrence river, where each farm is a narrow strip extending far back from the shore. The allotments in Marengo were made without regard for access to water transportation. In the absence of teams and wagons, or roads through the impenetrable canebrake, many of the settlers had to live on their town grants while their farm land went untended.²⁹

²⁷Pickett, *History of Alabama*, 626, 631.

²⁸*Ibid.*, 632.

²⁹*Ibid.*, 631. Supplemental garden and town lots were granted, varying according to the size of the main grant:

Main grant	Garden lot	Town lot
480 acres	12 acres	100 feet front and 200 feet deep
320 acres	6 acres	100 feet front and 100 feet deep
240 acres	6 acres	100 feet front and 100 feet deep
160 acres	3 acres	50 feet front and 100 feet deep
120 acres	3 acres	50 feet front and 100 feet deep

American State Papers. Documents of the Congress of the United States in Relation to their Public Lands (Washington, Gales and Seaton, 1359), IV, 150-152.

Such water as there was proved disastrous. The flood waters from the Tombigbee and its tributaries left stagnant, mosquito-breeding pools. Many settlers died from malarial fever.³⁰

The colonists accepted very uninformed advice in selecting site for their colony. The Demopolis area lies in the Alabama prairie belt, where the soil is as adhesive as Scotch tape when wet, as hard as mortar when dry. Later, when men had mastered the difficulties of this sticky goo, the region became favored for cotton culture;³¹ but that was too late to save the Vine and Olive Colony.

Colonists in Georgia found out quickly that one man alone can not clear and cultivate enough land to support a family. Oglethorpe moved quickly to bring over indentured servants, and the threatened collapse of the colony brought an early rescission of rules prohibiting slaves.³² The French colonists in Marengo had no slaves and few servants.³³

Suspicion developed against the French because a group under General CharlesALLEMAND never took up their lands. Instead, they sailed from Philadelphia one month after the first group left for Alabama, carrying six field pieces, 600 muskets, 400 sabres, and 1200 pounds of powder. This group established the Champ d'Asile colony in Texas. Their avowed purpose was to establish an agricultural colony, but their cargo flamed the rumors that their true purpose was to seize Mexico and there proclaim Joseph Bonaparte (then in New Jersey) King of Spain and the West Indies. It was claimed that they sold their

³⁰Gaius Whitfield, Jr., "The French Grants in Alabama: A History of the Founding of Demopolis," Publications of the *Alabama Historical Society*, IV (1899-1903), 321-355.

³¹Thomas Perkins Abernethy, *The Formative Period in Alabama 1815-1828* (Montgomery, Alabama, 1922), 21, 57-58.

³²Allen D. Candler, Comp., *Colonial Records of the State of Georgia* (Atlanta, Franklin Publishing Co.), V (1906), 491-492, 634; James Etheridge Callaway, *The Early Settlement of Georgia* (Athens, University of Georgia Press, 1948), 31-36.

³³Pickett, *History of Alabama*, 631.

Marengo grants to raise money for this purpose, and that the Marengo colony was a subterfuge for this major objective. Lallemand's welcome by the pirate Lafitte could not fail to increase these suspicions.³¹

The crowning blow to the Frenchmen's efforts to fulfill their contract against overwhelming odds came from swarms of American squatters who moved onto their lands and would not be dislodged. The courts upheld the grantees, but the continuous litigation and hardships finally forced the French to sell their lands at sacrificial prices to migrating Americans. A few remained in the area, intermarried with the Americans, but most were gone by 1830. Some settled in the Mobile area, others returned to the France which most of them never had had any actual reason for quitting.³²

These were courageous though impractical people. But they were Frenchmen. Wherever Frenchmen are, there is *la vie joyeuse*. Observe, for example, the contrast between the convivial Huguenot and his dour Scotch-Irish or grim Puritan neighbors in America. After the hard days' labor, these Frenchmen turned their crude frontier cabins into ballrooms to re-live a few hours each evening the gay social life they had known in Paris.³⁷

THE GRANTEES

The list of original grantees in the *American State Papers* ignores conventions peculiar to French spelling. I have restored correct spelling to names which are French, and arranged the list in alphabetical order for convenience in consultation. We note again that not all the grantees took up their lands. Comparison of the grantee list with a list of actual patentees in Winston Smith's *Days of Exile* reveals that extensive exchange

³¹Reeves, "Napoleonic Exiles," 42-64.

³²Pickett, *History of Alabama*, 632.

³⁶Abernethy, *Formative Period*, 40.

³⁷Pickett, *History of Alabama*, 633.

of lots took place among the Napoleonists, and that many patents went to bearers of Anglo-Gaelic rather than Gallo-Italic names. Dr. Smith's narrative is valuable for its scholarship and that human-interest appeal which only a native writer can give.³⁸ I have given some personal data in my list, including approximations of identity from court, census, and burial records. The numbers following the names indicate the acres in the main farm grants.

Achard (see Allouard)

Allain, Joseph — 120

Allard, Henri — 120

Alma, Anselme — 120

Allouard and Achard — 40

Amedée (see Penard)

Anduze, Mathieu-Bernard — 480

Angeli, Hiacinthe — 120

Antoine — 240. A Bertrand Antonie died in Mobile County in 1839.³⁹

Arnaud, Camille — 240

Astolphi, Laurent — 480

Audibert, veuve (widow) — 120

Auze, frères (brothers) — 240. George Auze died in Mobile County in 1841. Charles Auze, age 40, died there in 1856.⁴⁰

Azan — 120

Bacle, Alexis, fils, aîné (Junior and Senior) — 160

Badaraque, Thomas — 480

Bailly, Michel — 120

Baizeau — 60

Balbuena, Joseph — 160

Baltar — 160

³⁸Winston Smith, *Days of Exile: The Story of the Vine and Olive Colony in Alabama* (Tuscaloosa, 1967). My chief personal memory of Demopolis is that of having my rowboat capsized under the White Bluff by a passing river steamer—which somewhat dates me.

³⁹Lois Dumas Mitchell and Dorothy Ivison Moffett, Comps. (henceforth designated as M&M), *Burial Records, Mobile County, Alabama, 1820-1856* (Mobile, Mobile Genealogical Society, 1963), 43.

⁴⁰*Ibid.*, 70, 227.

Barbarroux, Joseph — 240

Barbe, Antoine — 160

Barrau — 160

Barthélemie — 40

Batre, Charles — 120. From the 1850 Mobile census: Adele Batre 50F France, A. Batre 28M Alabama, and Charles Batre 23M Alabama.⁴¹ Fleming Batte died in Marengo County;⁴² Thomas Batte married in Marengo County⁴³ A daughter of Alfred Batre died in Mobile County in 1854.⁴⁴

Baumier, César — 160

Bauzan, Pierre — 160

Bayal, Honoré — 480. An Edward Bayol married in Marengo County.⁴⁵

Belair, Louis — 480

Belange, Mal. (Maj.?) Denis — 320

Belmère, père, fils (father, son) — 160

Bergache, Cadet (the younger) — 240

Bernard, Henri—160. From the 1850 Mobile census: S. Bernard 58M France.⁴⁶ A son of F. J. Bernard died in Mobile County in 1853.⁴⁷ A General Bernard was a commander at Waterloo.⁴⁸

Besson, Louis — 480

Bistos — 40

Beyelle, Joseph — 480

Blancon and Taverly — 40

Blandin, Jean — 120

Blaquerolle — 160

⁴¹Eleanor M. Kilduff, Comp., *1850 Census, City of Mobile, Alabama* (Mobile, Mobile Genealogical Society, 1966), 3, 24.

⁴²Flora Dainwood England, Comp., *Alabama Source Book* (Selma, Alabama, 1964), I, 42.

⁴³*Ibid.*, I, 43.

⁴⁴M&M, *Burial Records*, 201.

⁴⁵England, *Source Book*, I, 193.

⁴⁶Kilduff, *Mobile Census*, 10.

⁴⁷M&M, *Burial Records*, 176.

⁴⁸Henry Lachouque, *Napoleon's Battles* (New York, E. P. Dutton Co., 1967), 440.

- Bogy — 240
 Boilandry, Eugénie — 120
 Boitau, François — 120
 Bonneau — 40. Arnoldus Bonneau married in Dallas County.⁴⁹
 Bonno, J. — 480
 Bono, Charles — 240
 Bordas, Élie — 160. Susanna Borde died in Mobile County in 1855.⁵⁰
 Bournon, E. — 240
 Boutière, J.-Claude-Benoît — 240
 Boutière, François-Gaspard — 120
 Brechemin, Louis — 240
 Bringier — 240
 Brugièrre, Charles — 120
 Brugièrre, Charles — 240
 Bujac, Mathieu and Alfred, frères (brothers) — 240
 Bujey, Antoine — 120
 Bulliard, Étienne — 160
 Burckle, Emanuel — 120
 Burgues, Jean-Bernard — 120
 Buttaud — 120
 Butaud, Isaac — 240
 Campardon, Baptiste — 160
 Canonio, François — 160
 Canonge, Pierre-Auguste — 480
 Carebaux, Guillaume — 240
 Gastan, Étienne — 160
 Cavoroc, Charles — 120
 Champenois, P.-J. — 240. From the 1850 Mobile census: Isaac Champenois 32M Alabama, and J. P. Champenois 28 Mississippi.⁵¹
 Chapon — 120
 Chapotin — 40
 Chapron, J.-M. — 480

⁴⁹England, *Source Book*, I, 15.

⁵⁰M&M, *Burial Records*, 213.

⁵¹Kilduff, *Mobile Census*, 26.

Charassin, Colonel — 320. He accompanied Lallemand to Texas.⁵²

Charles, Fermin-B. — 240

Chasserian, Benoît — 320

Chaudron, Edward — 480. Edward Chaudron was in Marengo County in 1840-43. Felix Chaudron married in Marengo County.⁵³ Mrs. G. Chaudron 76F St. Domingo, Julius Chaudron 50M Pennsylvania, and Felix Chaudron 40M Pennsylvania are listed in the 1850 Mobile census.⁵⁴

Chaudron, Simon — 480. Simon Chaudron, age 88, watchmaker, died in Mobile County in 1846,⁵⁵ and is buried in Church Street Graveyard.⁵⁶ He edited at one time the *Abeille Américaine*, and was a noted poet both in Alabama and France.⁵⁷

Chauvot, Charles — 160

Cirode, Guillaume — 120

Clareton, Joseph-Louis — 480

Clausel, General Bertrand. Count Clausel saved Napoleon's Spanish campaign by taking over command when higher officers were killed and rallying the troops.⁵⁸ He commanded as a marshal at Bordeaux during the Hundred Days. He did not take up his Marengo grant, but settled on Mobile Bay as a produce gardener.⁵⁹ Amnestied in 1820, he returned to France and served as a deputy in the National Assembly.⁶⁰

⁵²Reeves, "Napoleonic Exiles," 83.

⁵³England, *Source Book*, I, 92, 335.

⁵⁴Kilduff, *Mobile Census*, 26.

⁵⁵M&M, *Burial Records*, 104.

⁵⁶WPA Writers, *Alabama: A Guide to the Deep South* (New York, Richard R. Smith, 1941), 216.

⁵⁷Pickett, *History of Alabama*, 629.

⁵⁸C. S. Forester, *Napoleon and His Court* (London, Methuen and Co., Ltd., 1924), 188-189.

⁵⁹Pickett, *History of Alabama*, 629.

⁶⁰Reeves, "Napoleonic Exiles," 110.

Cluis, J. Jérôme — 480. Colonel Cluis, who had been an aide to Marshal Lefebvre, kept a tavern near Greensboro.⁶¹ He is buried in Christ Church Graveyard, Mobile, with his wife, the Marchioness de Moziès.⁶² Emilie Louise Cluis 54 France and F. V. Cluis 38M France were in Mobile at the 1850 census.⁶³

Colomel — 40

Colona, Dornano B. — 320

Comb, Colonel Michel — 320

Combes, Germain — 120

Combes, Vincent — 120. One of the Combes was a colonel under Napoleon.⁶⁴

Conde — 240 (lot 274)

Conde, Charles — 240 (lot 273)

Constantin and Dechoule — 40

Contardi, Louis — 160

Conte, Honoré — 120

Conte, Marius — 160

Coquillon, frères (brothers) — 240

Corso, François — 160

Cousin, David — 120

Cuchet — 40

Dalaunay (probably Delaunay) — 40

Dalmazeau, J. — 120

Darembert — 40

David, Louise — 120

Davis, L. A. — 240

Debrosse, Charles — 480

Dechoule (see Constantin)

Decave, Marc Lewis — 120

Décorme, Charles — 160

Défourni, Col. Fabius — 320. He commanded one of Lallemand's companies in Texas.⁶⁵

⁶¹Pickett, *History of Alabama*, 629.

⁶²WPA Writers, *Alabama*, 62.

⁶³Kilduff, *Mobile Census*, 38, 139.

⁶⁴Reeves, "Napoleonic Exiles," 29.

⁶⁵*Ibid.*, 86.

- Delaporte, Louis — 120
- Delaunay (see Victoire). Peter Deloney's will was probated in Marengo County.⁶⁶
- Delpit — 60
- Demerest, veuve (widow) — 240
- Demony, Dominique-Victor — 160. An infant of A. Demouy died in Mobile in 1865.⁶⁷
- Deprest, René, frère, and Zach. — 240
- Derfouch, Charles — 160
- Désafoe, C. — 40
- Deschamps, Francois — 160
- Descourt, Leonard-Alex — 240
- Desmarès — 160
- Desplan, Samuel — 160. Pierre Desplans, age 37, native of France, was living in Mobile in 1850.⁶⁸
- Desportes, Léonte — 120
- Desroures — 160
- Devengen — 40
- Dirat, Louis-M. — 480
- Dor — 120
- Douarche, Colonel — 320. One of the company commanders in Texas.⁶⁹
- Drouet, Pierre — 240
- Drouet, Pierre — 480
- Dubarry, Jean — 480
- Dubosq — 120. Leon Duboc 35M France is in the 1850 Mobile census.⁷⁰ The name Dubosq was modified to Dubose in South Carolina. Eujinia Dubose's will was probated in Marengo County 1840-43.⁷¹ Many Duboses in Alabama are descendants from South Carolina through Georgia.

⁶⁶England, *Source Book*, I, 93.

⁶⁷M&M, *Burial Records*, 215.

⁶⁸Kilduff, *Mobile Census*, 39.

⁶⁹Reeves, "Napoleonic Exiles," 86.

⁷⁰Kilduff, *Mobile Census*, 45.

⁷¹England, *Source Book*, 93.

Ducoing, Pré. — 480

Du Colombier, Martin-J. — 480

Ducommun, Joseph — 120

Ducommun, Joseph — 480

Dufourg, D.-V. — 120. Louis Dufour (?), age 53, native of France, died in Mobile County in 1853.⁷²

Dufourg, F. — 120

Dufourg, Jean-Jacques — 240

Dumas, Antoine — 120. Azariah Dumas [*sic*] was a head of household in Marengo County in 1830.⁷³ Isham Dumas and Calvin J. Dumas married in that county.⁷⁴ Jeremiah Dumas died there in 1840-43.⁷⁵ Count General Mathieu Dumas was one of Napoleon's generals.⁷⁶

Dumenil — 240

Dupont — 96

Dupouy, Nicholas-A. — 480

Dupui and Ragon — 40

Durand, Jean-Baptiste — 480. Mrs. Louisa Durand, age 91, died in Mobile County in 1851.⁷⁷

Durière, François — 160

Duteste (see Émery)

Duval, Jacques-S. — 480. A child of W. Duval died in Mobile County in 1846.⁷⁸

Emely — 480

Emery and Duteste — 480

Fagot — 60

Fallot, Eugène-Hyacinthe — 160

Farcy — 160

⁷²M&M, *Burial Records*, 180.

⁷³England, *Source Book*, I, 66.

⁷⁴*Ibid.*, 183, 264.

⁷⁵*Ibid.*, 93.

⁷⁶Lachouque, *Napoleon's Battles*, 62, 242.

⁷⁷M&M, *Burial Records*, 152.

⁷⁸*Ibid.*, 104.

Farrouilh, A. — 120

Fauchon, Höé — 160

Fauquier — 160

Fisher — 160. L. H. Fisher, native of France, was 32 years old at the 1850 Mobile census.⁷⁹

Fisler — 120

Follin, Auguste-Firmin — 480. A. F. Follin's estate was probated in Marengo County 1840-43.⁸⁰ Mrs. Malinda Follin, age 69, died in Mobile County in 1851.⁸¹

Follin, Georges — 480

Follin, frères (brothers) — 160

Formento, Felix — 160

Fouquet, âiné (the elder) — 60

Fouquet, J. and Moulin — 40

Fourestier, Élie — 480

Fournier, Honoré — 240. The Fourniers were among the Santo Domingo refugees to Marengo.⁸² Isadore Founnier died in Mobile County in 1855.⁸³

Fouasche, Pierre — 160

Foutanges, P. F. — 480

Frédéric, Louis-Auguste — 160

Frenage, Jean-Pierre — 480

Frenage, Marc-Antoine — 480

Fux, Louis — 160

Galabert, Colcnel Louis — 320. He was one of the leaders in the Texas expedition.⁸⁴

Gallard, Pierre — 240. Members of the South Carolina Gail-lard family immigrated to Mobile We can not tell whether the A. Gaillard, whose daughter died in Mobile in 1851,⁸⁵ is from the

⁷⁹Kilduff, *Mobile Census*, 49.

⁸⁰England, *Source Book*, I, 93.

⁸¹M&M, *Burial Records*, 153.

⁸²Whitfield, "French Grants," 345.

⁸³M&M, *Burial Records*, 216.

⁸⁴Reeves, "Napoleonic Exiles," 64.

⁸⁵M&M, *Burial Records*, 154.

Marengo Galiard or the South Carolina Gaillard family. The use of the initial alone is a French convention.

- Garnier, fils (Junior) — 240
- Garnier, frère (brother) — 480
- Gatly, Antoine — 160
- Gaunay, Nicholas — 120
- Gavesche, Pierre — 240
- Gavesche, Pierre — 480
- Genin, Charles F. — 160
- George, Madame (Mrs.) — 480

George, Edward — 480. Stewart George was a head of household in Marengo County at the 1830 census.⁸⁰ People of this name are numerous in the Tombigbee and Mobile areas, and most are probably English.

George, fils, âiné, Edward (Edward Sr. and Edward Jr.) — 120

- Gérard, Hyacinthe — 160
- Germond and Rivière — 240
- Gilbal, Antoine — 160
- Gilbert — 160
- Glenville — 40
- Godan, Victoire — 120
- Godat — 120
- Godemar, Jean-Baptiste — 120
- Gouiran, Joseph-Michel — 120
- Grégoire, Étienne — 160
- Grillet, Francois — 160
- Groning — 160
- Grouchet, Louis — 320
- Grouchy (see Mal)
- Grouchy, Colonel Alphonse — 320

Grouchy, Captain (or Colonel?) Victor — 160. These were the sons of Emmanuel, Marquis de Grouchy. He was Napoleon's marshal on whom the defeat of Waterloo was blamed. Either through hesitation or confused orders from Napoleon, he let a Prussian force under Blücher evade him and join up with Well-

⁸⁰England, *Source Book*, 67.

ington to turn the tide of victory.⁸⁷ He and his two sons, Colonels Alphonse and Victor Grouchy, reached Baltimore in January, 1816, under assumed names, he being on Louis' death list.⁸⁸ Marshal Grouchy did not accompany his sons to Alabama.⁸⁹ He returned instead to France, where he died in 1847, still trying to exonerate his failure on June 15, 1815.⁹⁰

Gubert, J. H. — 480

Guilleault — 180

Guillot — 320

Guybert, H. — 120

Haez — 120

Hamel, Victor — 480

Harraneder, Charles — 160

Havard — 160. An infant of C. C. Havard died in Mobile County in 1837.⁹¹

Henry, Germain — 160. The 1830 census of Marengo County lists William Henry as a head of household.⁹² Francis Henry, age 44F, native of France, died in Mobile County in 1852.⁹³

Humbert, Jacques — 160. Humbert went to Texas rather than take up his grant.⁹⁴

Hurtel, J. — 384

Ilari, Benoît — 160

Jamet — 160

Janin — 40

Jeandreau, Jean — 240. Jeandreau served also with Lafayette in the American Revolution. He is buried in Church Street Graveyard, Mobile.⁹⁵

⁸⁷C. W. Crawley, Ed., *New Cambridge Modern History* (Cambridge, At the University Press, 1965), IX, 314-315.

⁸⁸Reeves, "Napoleonic Exiles," 24.

⁸⁹Pickett, *History of Alabama*, 629.

⁹⁰Delderfield, *Napoleon's Marshals*, 231.

⁹¹M&M, *Burial Records*, 30.

⁹²England, *Source Book*, I, 68.

⁹³M&M, *Burial Records*, 167.

⁹⁴Reeves, "Napoleonic Exiles," 89.

⁹⁵WPA, *Alabama*, 216

Jeannet, Georges — 480. Richard Jeannett, age 30, died in Mobile County in 1856.⁹⁶

Jeannet, J  . — 160

Jeannet, Louis-Ren   — 320

Jogan, Antonir — 240

Jordan, Colonel Ambroise — 320. Colonel Jordan was an aide-de-camp to Napoleon.⁹⁷ J. L. Jourdan, age 37, died in Mobile County in 1856.⁹⁸

Jouny, Louis-Michel — 120

Keller, Jonas — 240. A. Kellen, age 34, was in Mobile in 1850.⁹⁹

Knappe, Phillippe — 160. Two children of C. P. Knapp died in Mobile County in 1846.¹⁰⁰

Lacloix, Ren  -Fran  ois — 160

Lacombe, Pierre — 480

Ladurelle, Auguste — 480

Lagay — 40

Lajonie — 480

Lakanal — 480. Joseph Lakanal was a priest turned professor and revolutionist. As a member of the National Convention, he voted to send Louis XVI to the guillotine. He established the central school system of France, and was honored with the first membership when the Institut de France was organized. In 1809 Napoleon made him inspector general of weights and measures, in which position he standardized the metric system. In America he was the chief instigator of the plot to make Joseph Bonaparte King of Spain (and therefore of all Spanish-America), according to letters intercepted by the French minister to Washington. He went to Texas with the Champ d'Asile group rather than taking up his grant. Lakanal served briefly as president of the

⁹⁶M&M, *Burial Records*, 232.

⁹⁷Reeves, "Napoleonic Exiles," 29.

⁹⁸M&M, *Burial Records*, 232.

⁹⁹Kilduff, *Mobile Census*, 77.

¹⁰⁰M&M, *Burial Records*, 106.

College of Orleans in New Orleans, but later settled on Mobile Bay where he lived until returning to France in 1837. There he held his position in the Institut de France until his death in 1845.¹⁰¹

Lallemand, General Charles — 480. Charles Lallemand had a brilliant military career under Napoleon, serving under the Directory, Consulate, and Empire. He was Junot's aide-de-camp in Egypt. Promoted to colonel after the Battle of Jena (1806), he became brigadier general in 1811. Taking allegiance to the Restoration, he served as Commander of l'Aisne. His loyalty was with his exiled emperor, however, for he developed a plot against Louis with his brother Henri and General Lefebvre-Desnouëttes. The three were, after Ney, Napoleon's leaders during the Hundred Days, and all three were on Louis' treason list promulgated at the Second Restoration. Charles Lallemand managed the plans for Napoleon's escape to America, and asked to share his exile to St. Helena. Louis had other plans for him, as noted above, so Fouché effected his escape to America. He was president of the association to form the Marengo colony, but he did not accompany it to Alabama. He led instead an expedition to Texas, which joined at Galveston with another expedition under General Rigaud. The combined force, under Lallemand's command, and augmented by an assortment of Spanish, Mexican, and American freebooters, proceeded to the place on the Trinity river which Lallemand had chosen as the site for his Champ d'Asile colony. This colony was short-lived because of Spanish military action. The ousted settlers returned to Galveston, where they might have remained except for a great storm which destroyed the town and filled all the cisterns with salt water. The battered remnant straggled into New Orleans, from where most returned to France. There Charles Lallemand took his seat in the Council of Peers, and was made commander of Corsica. Napoleon's esteem for him is shown by a legacy in his will of 100,000 francs.¹⁰²

¹⁰¹Reeves, "Napoleonic Exiles," 29-31, 44-61, 111.

¹⁰²*Ibid.*, 16-36, 64, 82-110.

Lallemand, General Henri — 480. Lt. Gen. Henri Lallemand married in Philadelphia a niece of the rich Stephen Girard. He went no farther than New Orleans with his brother's Texas expedition. From there he returned to Philadelphia and settled near Joseph Bonaparte in Bordentown, New Jersey.¹⁰³

Landerin, François — 120

Lapeyre — 60

Lapeyre, Jean-Baptiste — 160

Larau, Sully — 120

Laroderie, Alphonse — 240

Latapie — 40

Latapie, Antoine — 160. He was a Napoleonic colonel.¹⁰⁴

Laurent, Clément — 120

Laurent, Maurice — 160. In the Mobile 1850 census are listed John Laurant 65M France, and F. Laurent 42M France.¹⁰⁵

Lauret, Louis — 160

Leboutellier, Michel — 480

Lebrusse — 40

Lecampion, François — 240

Lecoq du Marcelay — 480

Lefebvre-Desnouëttes, General — 480. We must avoid confusing General Lefebvre-Desnouëttes with Marshal François Lefebvre, duc de Danzig. Count General Charles Lefebvre-Desnouëttes commanded a cavalry division at Waterloo,¹⁰⁶ where he is said to have fought with the rage of desperation.¹⁰⁷ He was the wealthiest and highest ranking officer who went to Alabama.¹⁰⁸ Receiving a bequest of 100,000 marks from Napoleon's will in 1821, he was

¹⁰³*Ibid.*, 109.

¹⁰⁴*Ibid.*, 29.

¹⁰⁵Kilduff, *Mobile Census*, 73, 83.

¹⁰⁶Christopher Hibbert, *Waterloo: Napoleon's Last Campaign* (New York, New American Library, 1967), 145-149, 196.

¹⁰⁷Reeves, "Napoleonic Exiles," 28.

¹⁰⁸Pickett, *History of Alabama*, 627.

en route back to France when his ship sank in a storm and all perished.¹⁰⁹

Lefevre, Claude-Joseph — 120. There was a Louis Lefever, age 53 and a native of France, in Mobile at the 1850 census.¹¹⁰

Lefrançois, frères — 480

Legras — 240

Legrix, Bellisle — 240

Lemaignen, Pierre-Paul — 480

Lemeunier, Joseph — 160

Lerouyer, François — 160

Lesueur — 120

Lintroy — 120

Luciani, Pascal — 160

Lucien — 160

Macre, Jean — 120

Maillet, Henri — 160

Mahe — 40

Mal, Grouchy (or Grouchy, Mal?) — 480

Malozewsky, Constant Paul — 160 (a Polish name)

Mane — 160

Manfredi, Math. Ferd. — 160

Mangon and Martial — 40

Manoury, P.-Max. — 160

Mansuis, Luiller — 120

Marchaud, Louis — 480

Mariano, Pompée — 160

Martial (see Mangon). An infant of Mr. Martial died in Mobile County in 1839.¹¹¹

Martin, Amedée — 160

Martin, Francis — 480. Francis and Marius Martan were heads of household in the 1830 Marengo County census.¹¹² Marcus Martin 45M France and Mary Martin 75F France were in Greene

¹⁰⁹Reeves, "Napoleonic Exiles," 109.

¹¹⁰Baldwin County, Alabama, 1850 Census (Microfilm), 192.

¹¹¹M&M, Burial Records, 50.

¹¹²England, Source Book, I, 70.

County in 1850.¹¹³ The same census shows D. Martin 45M France in Mobile¹¹⁴ and Benjamin Martin in Mobile County.¹¹⁵

Martin, Picquet, père — 120

Martin, Picquet, fils — 480

Martin, Prosper — 480

Martinet, Pierre-Louis — 240. A family of Santo Domingo refugees.¹¹⁶

Mathieu, Dr. Joseph — 480

Mayer — 40

Melizet, François — 480

Menou, Dieu-Donne — 120

Merle, Étienne — 160

Meslier, Bazile — 480. Bazil Messlier, age 70, native of France, died in Mobile County in 1849.¹¹⁷ There are several other Meslier entries in Mobile census and burial records, including Armidi Meslier, who married in 1847 at Tuscaloosa Marie Antoinette Marrast.¹¹⁸ How ironic that the son of a man who possibly participated in the execution of France's queen married her name-sake in Alabama!

Mesnier — 240

Mestayer, Michael — 480

Metais, Étienne — 240

Metais, Jean-Pierre — 120

Meynie, Jean-Ulysse — 120

Mignon — 40

Millon, Solidor — 160

Miot — 40

Moncravie, Jacques — 240

Mondin — 160

¹¹³Greene County, Alabama, 1850 Census (Microfilm), 653, 655.

¹¹⁴Kilduff, Mobile Census, 91.

¹¹⁵Mobile County, Alabama, 1850 Census (Microfilm), 886.

¹¹⁶Whitfield, "French Grants," 345.

¹¹⁷M&M, Burial Records, 136.

¹¹⁸F. S. Moseley, "Items on Persons Mentioned in 1850 Census, City of Mobile," in *Deep South Genealogical Quarterly*, VII (1969), 90.

Monot, Charles — 160
 Montalegri, Hiacinthe — 160
 Moquart — 160

Morel — 240. A. Moorel 49M France is in the 1850 Mobile census.¹¹⁹ James Morrell died in Mobile County in 1837, and Claude Morel in 1856.¹²⁰

Morin — 40
 Moucravie, Jacques — 160
 Moulin (see Fouquet)
 Moynier, Joseph — 160
 Murrat, Jean-Baptiste — 160
 Nardel, François — 160
 Nartigue, Justin — 240
 Neel, J. B. — 160
 Nidelet, E.-F. — 480
 Olivieri, Joseph — 160
 Onfray, Jean-Baptiste — 120
 Pagnière — 160
 Pagnière, J.-Alexandre — 160
 Pagaud, Pierre — 480
 Paguenaud, Edward — 240
 Papillot, Étienne — 160
 Parat, F.-Romain — 120
 Parat, R. — 40

Parmentier, Nicolas — 480. Parmentier was secretary of the association in Philadelphia, and seems the leader of the group to Alabama.¹²¹

Pascal, Paul — 160. Mrs. Rose Pascal, age 37, born in France, died in Mobile County in 1848.¹²²

Pastol, Julie, veuve (widow) — 320
 Payen, frères — 40

¹¹⁹Kilduff, *Mobile Census*, 104.

¹²⁰M&M, *Burial Records*, 32, 233.

¹²¹Reeves, "Napoleonic Exiles," 36ff.

¹²²M&M, *Burial Records*, 125.

Payen, frère — 40 (separate grants). An infant of Mr. Payen died in Mobile County in 1839.¹²¹

Pelagot, Antoine — 160. Mr. Pecolot, a Frenchman, died in Mobile County in 1838.¹²⁴

Penard and Amedée — 40

Penazi, Louis — 160

Penière, fils, Emile — 240

Penière, père, J. — 480. Penière was a member of the Convention which voted the death of Louis XVI. After the Marengo colony failed, he removed to Florida, where he died.¹²⁵

Peraldi, Toussaint — 160

Perdreauville, René — 240

Petitval, J.-B. — 320

Pichon, Claude-Charles — 320

Pillero — 160

Plaudat, François — 160

Plantevigne — 160

Pochard, Auguste-François — 120

Poculo, Benoît — 320

Pothier, Simon — 240. From 1850 Mobile census: M. Portier 56M France and J. M. Portier 40M France. A child of Louis Potier died in Mobile County in 1845, and Reverend John Portier, age 42, native of France, died there in 1854.¹²⁶

Promis, Guillaume — 480

Prompt — 160

Prudhomme — 120. Mr. Prudhomey died in Mobile County in 1838, Mrs. Charles Prudhom in 1843.¹²⁷

¹²¹*Ibid.*, 52.

¹²⁴*Ibid.*, 41.

¹²⁵Reeves, "Napoleonic Exiles," 41; Pickett, *History of Alabama*, 627.

¹²⁶Kilduff, *Mobile Census*, 115; M&M, *Burial Records*, 100, 209.

¹²⁷M&M, *Burial Records*, 41, 45.

Pueek — 40

Quépart — 60

Ragon (see Dupui)

Raoul, Colonel — 320. Colonel Nicholas Raoul shared Napoleon's exile to Elba as an aide, and led his return for the Hundred Days. He ran a ferry near Demopolis for a while, but was among the many who returned to France. With him in Alabama was his wife, the Marchioness of Sinavaldi.¹²⁸

Rapin — 40

Rapin, Joseph — 480

Ravesies, E. — 240

Ravesies, F.—480. Frédéric Ravesies, from Bordeaux, went to Santo Domingo during the French Revolution, where he operated extensive plantation holdings. His family became the victims of the slave uprising there. Frédéric escaped to America, and was given a grant in the Marengo colony. He was among the few still there in 1830, but removed to Mobile, where he died in 1854. The F. P. Ravesies 38M Pennsylvania in the 1850 Mobile census is probably his son.¹²⁹

Réal, Pierre-François — 480. Count Réal was the prefect of police under Napoleon.¹³⁰

Reudet, Corneille Cadet (Junior) — 120

Richard, Étienne — 480

Richard, Georges — 160

Rieger, Gabriel — 160

Rigaud, Colonel — 480. General Rigaud was another of Napoleon's high officers who went over to the Bourbons, only to desert them when Napoleon returned from Elba. He commanded the troops at Chalons during the Hundred Days. Rigaud led one of two expeditions from Philadelphia to Texas, and was second in

¹²⁸Pickett, *History of Alabama*, 628; Owen, *History of Alabama*, I, 483.

¹²⁹Whitfield, "French Grants," 354; England, *Source Book*, I, 71; *Mobile County 1850 Census* (Microfilm), 888.

¹³⁰Reeves, "Napoleonic Exiles," 29.

command at Champ d'Asile. He received a legacy of 100,000 francs from Napoleon's will, but he died in 1820 in New Orleans before the terms of the will became known.¹³¹

Riguad, Narcisse-Pericles — 160

Riguad, Pierre — 480

Rivet, Georges — 160

Rivière (see Germond). A sugarmaker named Augustus Rivier, age 22, native of France, is entered in the 1850 Mobile census.¹³²

Robaglia, Joseph — 160

Robin, Thomas — 240

Roland, Jean-François — 320. A Roland died in Mobile in 1837.¹³³

Roudel — 40. An Edward Roudet died in Mobile County in 1845.¹³⁴

Ruffier, Ferdinand — 160

Sagnier, Henri-Antoine — 160

St. David — 40

St. Félix, Jean — 120

St. Guiron, jeune (Junior) — 480

St. Guiron, P.-Pascal, aîné — 240. P. P. St. Guiron, age 62, died in Mobile County in 1849.¹³⁵

Salaïgnac, Louis — 120

Salmon, François — 120

Sary, Jean — 160

Savary, Joseph — 240. Joseph Savery (?) was a head of household in the 1830 Perry County census.¹³⁶

Savournin, Joseph — 240

Scasso, Vincent — 160

¹³¹*Ibid.*, 28, 80-91, 110.

¹³²M&M, *Burial Records*, 6.

¹³³*Ibid.*, 34.

¹³⁴*Ibid.*, 101.

¹³⁵*Ibid.*, 138.

¹³⁶England, *Source Book*, 145.

- Schoeun, Sebastian — 120
 Schubart (Schubert?), Henry — 240
 Schutz, Colonel Jean — 320
 Seveligne — 480
 Sibenthal, frères — 240
 Simon — 160. A. Simon, age 44, native of France, was
 in Mobile in 1830.¹³⁷
 Soula — 40
 Stallenwereck, frères — 480
 Stephens, Samuel J. — 160
 Stribaud, Charles — 160
 Taillade, Colonel — 320
 Tâche — 120
 Taverley (see Blancon)
 Terrier, R. A. — 240
 Teterel, François — 480
 Texier, Jean — 240
 Texier, Lepomeraye — 320
 Thouron, père et fils (father and son) — 480
 Torta, Jean — 160
 Tournel, Jacques — 160
 Transon, Jean — 240
 Truck — 160
 Tulane, freres (brothers) — 240
 Valcourt, Aimé — 160
 Vallot, Joseph — 160
 Vandame, Gl. — 480. General Vandame commanded the
 Third Corps during the Hundred Days.¹³⁹
 Vasques, Jean — 320
 Vaugine — 240
 Vernhes, Jean-Vincent — 120
 Verrier — 60
 Victoire, Delaunay (probably Delaunay, Victor) — 480

¹³⁷Kilduff, *Mobile Census*, 130.

¹³⁸Whitfield, "French Grants," 345.

¹³⁹Reeves, "Napoleonic Exiles," 29.

Villemont — 240

Viole — 160. The marriage of Frances Violle in Marengo County indicates that this family took up its grant in Alabama.¹⁴⁰

Vitalba, Jean-Baptiste — 160

Villar, Charles — 480

Vogesland, Daniel — 120

Vorster, Colonel Émile — 320. This officer drowned in a storm at Galveston.¹⁴¹

Weill, James — 160. Franswat [sic] Wuill, native of France, died in Mobile County in 1836.¹⁴²

We can not know how many of the original grantees ever came to Alabama. Winston Smith identifies in his *Days of Exile* over eighty who did come: Baltar, Barthélemine, Batre, Beylle, Boutière, Brugiere, Butand [sic], Chapron, Chaudron, Clausel, Cluis, Condé, Coquillon, Cousin, Mme Davide [sic], Debrosse, Delaunay, Desmares, Desportes, Dirat, Dupui, Durive (Durière), Duval, Fallon (Fallot?), Follin, Fourestier, Fournier, Frederick, Gallard, George, Grillet, Victor Grouchy, Guilleault, Hurtel, Jeandreaux, Lajonie, the brothers L'Allemand,¹⁴³ Laroderie, Laurent, Leboutellier, Lefèbvre-Desnouëttes, the brothers Lefrançois, Luciana, Mangon, Martin, Martinière, Melizet, Meslier, Mestayer, Mignon, Moquart, Morel, Murat [sic], Nidelet, Paguenaud, Parmentier, Penieres [sic], Plantevigne, Pochard, Poculo, Prudhomme, Raoul, Ravesies, Rivière, Roudet, St.-Guiron the younger, Savary, Simon, Soulas [sic], Stallenwereck brothers, Tasca [sic], Terrier, Texier, Thouron, Transon, and Violle [sic]. *Days of Exile* mentions additional French names which are not on the original grantee list, presumably later grantees or exchanges in the original list. A minimum estimate would be a hundred family units, with a probable total head-count of 350-400.

¹⁴⁰England, *Source Book*, 80.

¹⁴¹Reeves, "Napoleonic Exiles," 83.

¹⁴²M&M, *Burial Records*, 24.

¹⁴³"L'Allemand" is linguistically correct, but history uses the spelling "Lallemand." I have called attention to several other differences in spelling, without intent of correction. The several published lists of grantees vary somewhat in their spellings, which is inevitable in attempting to interpret foreign chirography.

The Marengo colony was foredoomed to failure. The soil and the climate were as unsuited to grape and olive culture as these imperial refugees were unsuited to pioneer life. Some recognized early the futility of their situation; others held stubbornly to their grants for a decade. Ultimately many returned to France, others settled in the Mobile area among people of their own race, a few intermarried with the encroaching American settlers to the Tombigbee basin, many died in the ill-favored region. All they left here was the memory of their courage. But for Napoleon's tardiness in embarking for America, they might have left here their Emperor, buried beside the Tombigbee.



Bust of Gen. Holland M. Smith

Left to right, Gen. Robert R. Fairburn, Gov. Albert P. Brewer, Lt. Thomas L. Krebs.

ADDRESS AT THE UNVEILING OF THE BUST OF GEN. HOLLAND M. SMITH*

by

Lt. Gen. Robert Fairbairn

Governor Brewer, distinguished guests, ladies and gentlemen.

It was my privilege to be present at the dedication of the American Legion Hall of Honor. It is a distinct honor to be here today and have the opportunity to participate in this ceremony in honor of General Holland McTyeire Smith.

At the the outset, I should mention that General Smith is far more than a legendary name to me. He was my friend and mentor. In his memoirs, *Coral and Brass*, he concludes by saying, "Today I live in a little white house by the side of the road, strive to be a friend to my fellow man, and raise flowers, vegetables, and grandchildren."

*On January 8, 1970, the Holland M. Smith Memorial presented a bust of Gen. Smith to the Archives and History Department as a part of the Memorial's plan to commemorate the career of a great Marine hero of World War II. Gen. Smith was born in Hatchachubee, Alabama, April 20, 1882, graduated from Alabama Polytechnic Institute in 1901, and received his law degree from the University of Alabama in 1903. In 1905 he entered the Marine Corps and began a forty-one-year career which earned him the sobriquet "Father of Amphibious Warfare." Ever considering himself an Alabamian, he left sizeable bequests to the law school at the University of Alabama and to Auburn University, formerly Alabama Polytechnic Institute. Additional funds are being raised by the Holland M. Smith Memorial for the scholarships set up in memory of Gen. Smith at the two universities.

The bust, placed in the lobby of the Alabama War Memorial Building which houses the Archives and History Department, was unveiled by Lt. Thomas L. Krebs, USMCR, a cousin of Gen. Smith. Lt. Gen. Fobert R. Fairburn made the dedicatory address. The bust was presented by Col. Conrad M. Fowler, chairman of the Holland M. Smith Memorial and accepted for the State of Alabama by Governor Albert P. Brewer. Col. John Rogers of the Marine Corps Museum, Quantico, Virginia, executed the bust, copies of which are being placed in the Auburn University Library and the library of the University of Alabama Law School.

It was during this period of his life that a combination of circumstances led to my good fortune in being able to call this distinguished American "friend".

And a distinguished American he was and an equally distinguished Marine officer.

His vision, his energy, his aggressive resourcefulness, his unswerving dedication to his country and the Marine Corps earned him this accolade.

Always a leader, ever an activist with the vision to look far into the future, the intelligence to innovate and design and the energy and spirit to fight for what he believed in, he gave himself to his task for 41 years.

In the period between World War I and World War II, which in many ways was a period of complacency, he rose above complacency and made major contributions to the Marine Corps, contributions which to a significant degree made possible the successful strategy used by the United States in World War II not only in the Pacific but also in the European theater.

Today, the Commandant of the Marine Corps is charged with five specific responsibilities. One of these five is "to develop, in coordination with other military services, the doctrines, tactics, and equipment employed by landing forces in amphibious operations." The case can easily be made that this responsibility is in fact the keystone of the whole structure of the Marine Corps.

General Smith's contribution to this now declared responsibility—this keystone of the corps is quite easily stated. He has been called and correctly so, "the father of amphibious warfare."

His vision of the requirement for and the techniques of amphibious warfare was acquired early in his career, but it was while a student at the Naval War College in 1920-1921 that he had the first opportunity to expose his thoughts on the subject. His concepts of amphibious warfare voiced at that time were re-

markably ahead of any existing thinking. As an example he recounts "I am no airman, but the widening scope and increasing effectiveness of air power made me realize the value of this weapon in the support of ground troops. I foresaw the day when the Marines would land according to a coordinated, carefully prepared plan of action, assisted by naval and air arms and assault strongly fortified positions with no possibility of failure, instead of going ashore in haphazard, extemporaneous swarm trusting to hit or miss methods." From this time in late 1920 his career was marked by his efforts to achieve this objective, an objective which was achieved during World War II and executed time and time again by Marines under his command when he was the Commanding General Fleet Marine Force Pacific.

In late 1921 he was as a Major assigned as the only Marine Corps officer to the joint Army-Navy Planning Committee. The junior officer on the committee, he was the first and only officer to so serve.

This assignment was most significant as it was the first time the Marine Corps had the opportunity to present its concepts of amphibious warfare at this high level. The fact that this vital assignment was given to a major speaks volumes for the confidence the Marine Corps had in his knowledge and ability.

In 1923 he personally sought and found a training area for the Marine Corps. He selected the island of Vieques and Culebra in the Caribbean, and made tenancy agreements. We are still there and still training in amphibious warfare.

In 1937 he became director of operations and training at Headquarters Marine Corps and as he states, "I was now in a position to supervise the building of a modern amphibious force along the lines we had developed for years and to obtain the necessary equipment to insure its success."

There is no question that he richly earned his title "Father of Amphibious Warfare." He was the architect and the builder. When world events developed as he had foreseen and the United

States was at war with Japan, he became the planner and commander. Thus completing the full cycle of vision, persuasion, planning, implementation, command and victory.

Advancing years took no toll on his clarity of thought or interest.

In a letter to me dated March 3, 1965, he wrote, "The morning paper indicates that a battalion of Marines is being sent to South Vietnam. The situation may develop into another Korea."

And on July 15, 1965—"The Vietnam situation is growing worse. In my opinion it will take 500,000 Marines and Army to arrive at a stalemate." And in the same letter "It is my opinion that without air power our troops would meet the fate of the French."

He wrote as he spoke—with clarity, with no equivocation and always to the point.

Beyond his genius as a military strategist and tactician, he was a warm, compassionate person who knew and loved people. Marines knew that instinctively.

In his retirement years, his mail was always heavy—often from Marines who had served in the Pacific who many times would simply address a letter to Howlin Mad Smith. He would always answer.

He also received many phone calls from former Marines who had served in World War II, but whom he did not personally know. He would always take their calls and give the caller full time and courtesy. At the conclusion of such a call he would more often than not smile and say, "That was one of my boys." He had thousands of them. For all, both officers and men, he had compassion and understanding. His reputation as "Howlin Mad" was warranted only when performance lagged capability, or when fighting for the dignity and recognition of his Marine Corps. He sorrowed for his men when they were hurt and rejoiced with them in their victories. And victories there were. Never

a failure—just as he had foreseen in 1920. During the war he continued to enhance the role of the Marine Corps in the command structure; he continued to improve techniques of amphibious warfare—now based on active combat experience. Many times this involved arguments with higher authority. As always, he spoke his mind and pursued his objectives of full recognition of the rule of the Marine Corps, the reduction of casualties and rapid defeat of the enemy. He never swerved from his path.

He always was keenly aware of his Southern heritage and as you know often returned to his home state of Alabama. In his last letter to me in October, 1966, which I received in Vietnam, he wrote "I can remember when as a young lieutenant, I had to hike through the mud. Being a Southerner I took off my shoes and walked barefooted through the mud on the trail. I suspect such a procedure would not work in Vietnam."

A Marine on active duty for 41 years and in retirement for another 20, he stands tall among all Marines. The word dedication can never be used more aptly. It was his life, his contribution to the Marine Corps is without parallel.

It is very appropriate that his deeds and his memory be perpetuated in this place in the state of his birth.

He would be perhaps a bit gruff about it—if you will permit one more personal reference, he wrote, "Someone unknown to me is paying for a bust of me to be unveiled at the Marine Corps birthday. It is a damn nuisance for I have to go to San Diego to the office of the sculptor (a lady). I must admit she is doing a pretty good job."

I am sure he would agree you are doing a pretty good job.

He would particularly appreciate the efforts of Colonel Fowler and all the Marine Corps Reserve officers and those citizens of Alabama who are working to add to the bequests he made to Auburn University and the University of Alabama. His contributions to these two institutions and to the Marine Military Academy attest to his high interest in education, an inter-

est he expressed to the end as he was giving his personal support to the Marine Military Academy in Harlingen, Texas, when he was stricken at that place.

He used to say "Saint Peter will come for me soon and I am ready." He lived a full life, an exciting life; he made a full contribution. He was at peace with his God and with himself. He was ready.

BOOK REVIEWS

Nelson Manfred Drake. *Novelists' America: Fiction as History, 1910-1940*. (Syracuse, Syracuse University Press, 1969. Pp. 271 illustrated. \$6.95)

In an academic climate that is particularly receptive to interdisciplinary innovation, there remain many skeptics as to the value of attempting to view the factual world of history through the fictional world of literature. Yet that is precisely what Nelson Manfred Drake, professor of history at Syracuse University, has done in this book. He surveys the major American novels of the years 1910 to 1940 with an eye toward seeing what historical truths about twentieth-century America are revealed in fictional characters and settings and plots and themes.

In fact, Professor Blake maintains that "If history is to be relevant to the world we live in, we cannot afford to be content with conventional documents as historical source materials. We need to ask whether useful materials for understanding the past may not be found in works of fiction." Blake's answer to his own question is a resounding "Yes", as he examines in the subsequent chapter the novels of Sinclair Lewis, F. Scott Fitzgerald, William Faulkner, Thomas Wolfe, John Steinbeck, John Dos Passos, James T. Farrell, and Richard Wright.

Professor Blake finds that most of these novelists lament the corrupting influence of materialism in America life. Lewis, for example, observes the degeneration of idyllic small towns into greedy cities. Fitzgerald especially focuses his vision on the "arrogance of the established rich" and the "vulgar ostentation of the newly rich." And Faulkner's fictional South lies moribund, largely because of the rise of Snopesism—"the new clans of shift and avaricious riffraff." These findings are all sound, it seems to me; the unfortunate truth about them, however, is that they are already so very well known.

In the final analysis this book fails to add anything to our knowledge of American history or of American literature. Yet, perhaps Professor Blake deserves praise for tackling so difficult a problem—one that historians and English teachers usually

shun. There can be little doubt that some relationships between history and fiction exists; the case for drawing specific conclusions about either one from the study of the other remains unproved.

Winston Smith
University of Alabama

Ralph A. Wooster, *The People in Power: Courthouse and Statehouse in the Lower South, 1850-1860* (Knoxville: University of Tennessee Press, 1969. Pp. xi, 189. \$6.25.)

Using statistics derived from the manuscript census returns, the late Professor Frank L. Owsley and his students were proceeding in the 1940's toward a new synthesis of Southern history when their progress in that direction was halted by a famous article, "Economic Democracy in the Slave South: An Appraisal of Some Recent Views," by Fabian Linden. Seldom has a critique been more devastating. Professor Owsley's results were shown to be shot through with fallacies and his methods were made to appear naive. But the completeness of Linden's victory had a most unhappy result. Owsley's non-statistical arguments were forgotten. Historians complacently returned to an acceptance of the abolitionist stereotypes about ante-bellum society and politics. Even more unfortunate was the general abandonment of the manuscript census returns, that vast data bank which Owsley had discovered, as a source for the study of the period.

Such a result was very far from what Linden had desired. He had freely acknowledged that Owsley's "extensive and systematic utilization of the census manuscripts" had made "a contribution of considerable promise to the field of southern historiography," and he urged historians "to exploit the full historical potential" of the records by approaching them "with sharpened statistical tools and with scientifically objective postulates." It has now been almost a quarter of a century since the publication of Linden's article, and at last some small beginnings are being made by a few enterprising historians toward taking up Linden's challenge. Such a first step is Professor Ralph A. Wooster's recently published *The People in Power: Courthouse and Statehouse in the Lower South, 1850-1860*.

Professor Wooster has undertaken to determine the economic status of a wide variety of politicians—governors, judges, legislators, and county commissioners—in seven lower South states in the years 1850 and 1860. He has scoured the census returns and presents us with many interesting tables showing the age, nativity, real and personal property holdings, slave holdings and occupations of the region's ante-bellum rulers. On the whole he finds them to have been men of moderate means, except in the state of South Carolina, where office holders were a relatively wealthy group. He notes a tendency for politicians in 1860 to possess somewhat more substantial resources than did their colleagues of a decade earlier. And he finds that positions on the county or district level were more likely to be filled by the less well-to-do than were statewide offices.

Most of the rest of Professor Wooster's book is a mere statement of the developing powers and functions of the various offices. This information is generally derived from standard secondary sources, and could easily have been dispensed with. The book is not improved by its inclusion.

Wooster's tables are informative, of course, but he has fallen into a practice which will, I fear, rapidly condemn this book to oblivion. The rise of statistical history in recent years has led to the adoption by some of its devotees of a pseudo-scientific notion that figures can and should speak for themselves. These historians seem to believe that by presenting their summary data with a minimum of interpretive comment, they achieve a level of objectivity to which other students can only pretend. Perhaps some of them, in the face of Owsley's earlier blunders, realize their own lack of mathematical expertise, and are rendered gunshy. No doubt others are genuinely hypnotized by the false sense of certainty which the use of numbers engenders in many people. But in either case, the result is historically unsatisfying.

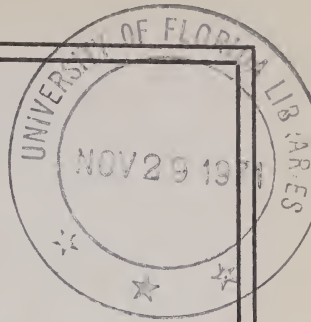
The fact is that statistics are evidence, just as are letters, speeches and editorials. They cannot stand alone. When properly used, they are introduced judiciously to facilitate the reader's understanding of an argument derived from a careful survey of all the available sources—literary as well as numerical. In such a position, statistics may be—indeed, they often are—invalu-

able tools for understanding events or for testing hypotheses. But banks of tables alone mean very little except that their compiler does not know what to do with them. In the present book, for instance, we are left wondering if the property levels of Southern politicians are significant. Did these men vote class interests? Are the states of their nativity significant in predicting their attitudes? Were the elderly inclined to be more nationistic? Did large slaveholders act as a bloc? Was there a rural-urban conflict? In short, are these data significant in understanding the course of Southern history, or are they merely trivia to delight the sedentary antiquarian? We are even left to wonder about the accuracy of the picture which the figures paint. Professor Wooster makes the assumption that anyone whose name he did not find in the slave schedules was a non-slaveholder. In fact, however, census-takers often overlooked residents. Failure to recognize this obvious fact leads Wooster to understate his mean slave-holding results.

The source of a historian's problems may be an imagination too vivid—one which sees patterns where none exist and weaves unwilling data into its scheme. But a pattern which is erroneous is at least an attempt to solve the riddles of our past, and it may stimulate someone else to develop a pattern which is correct. A book full of figures, on the other hand, is insignificant. Thousands of figures could be developed for the antebellum South—the number of board feet in its timber stands, for instance, or the death rate from yellow fever. Only the imagination of the historian, however, can relate statistics to the destiny of the region, can leap from the certainty of figures to the unknown explanation. The failure to seek such a leap is the abdication of the title "historian." Frank Owsley's data were wrong, but his name is still remembered. Far too many of the practitioners of the new statistical history have failed to profit from observing this fact.

J. Mills Thornton, III

Yale University



THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXII FALL and WINTER, 1970 Nos. 3 & 4

Published by the

ALABAMA STATE DEPARTMENT

OF

ARCHIVES AND HISTORY

976. 105
9316

THE ALABAMA HISTORICAL QUARTERLY

Vol. XXXII

FALL AND WINTER, 1970

Nos. 3 & 4

CONTENTS

The American Missionary Association and Northern Philanthropy in Reconstruction Alabama <i>by Loren Schweninger</i>	129
The Freedmen and the Labor Supply: The Economic Adjustments in Post-Bellum Alabama, 1865-1867 <i>by John B. Myers</i>	157
Populism in Alabama: Reuben F. Kolb and the Appeals to Minority Groups <i>by Leah R. Atkins</i>	167
A Proposal for Women's Suffrage in Alabama in 1867 <i>by Sarah W. Wiggins</i>	181
Post Civil War Mobile: The Letters of James M. Williams, May-September, 1865 <i>edited by John Kent Folmar</i>	186
Book Reviews	199
Higginbotham, <i>Fort Maurepas: The Birth of Louisiana, and The Journal of Sauvole: Historical Journal of the Establishment of the French in Louisiana</i> by Robert R. Rea	199
De Rosier, <i>Removal of the Choctaw Indians</i> , by Michael D. Green	200
Dibble and Newton, <i>In Search of Gulf Coast Colonial History Proceeding of the First Gulf Coast History and Humanities Conference</i> by J. Leitch Wright, Jr.	203
Owsley (editor) Halbert and Ball, <i>The Creek War of 1813 and 1814</i> by Martha F. Rankin	204

Folmsbee, Corley, and Mitchell, <i>Tennessee: A Short History</i> by Frank L. Owsley, Jr.	207
--	-----

Milo B. Howard, Jr., Editor

Published by the
ALABAMA STATE DEPARTMENT
OF ARCHIVES AND HISTORY
Montgomery, Alabama

SKINNER PRINTING COMPANY

LLOYD STREET

MONTGOMERY, ALABAMA

CONTRIBUTORS

MRS. LEAH R. ATKINS is an Instructor in History at Auburn University. Mrs. Atkins is also working on her doctorate at Auburn.

MR. JOHN KENT FOLMAR is a member of the faculty at California State College, California, Pennsylvania.

MR. JOHN B. MYERS is a member of the faculty at Columbus College, Columbus, Georgia.

MR. LOREN SCHWENINGER is working on his doctorate at the University of Chicago, Chicago, Illinois.

DR. SARAH W. WIGGINS is an assistant professor of history at the University of Alabama.

THE AMERICAN MISSIONARY ASSOCIATION AND NORTHERN PHILANTHROPY IN RECONSTRUCTION ALABAMA

by

Loren Schweninger

"The results of attempts by . . . the missionary societies to educate the negro in Alabama," wrote Walter Lynwood Fleming at the turn of the century, "were almost wholly bad"¹ "Northern missionaries were religious fanatics," he continued, "who cared little about social questions [and] . . . paid no attention to the actual condition of negroes and their station in life." Fleming concluded that philanthropic organizations had a permanent influence for evil in the state of Alabama during Reconstruction.

In the light of evidence now available this negative view of Northern philanthropy in Alabama is untenable. The aid extended by non-sectarian organizations, denominational societies, the Peabody Education Fund and benevolent individuals to Alabama's freedmen, though limited when compared to other Southern states, provided Negroes with necessary schools, clothing, books, and food. The American Missionary Association, aided by the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly called the Freedmen's Bureau, financed secondary and normal schools, relief stations, colleges, and sent hundreds of missionaries and teachers to help build new edu-

¹Walter Lynwood Fleming, *The Civil War and Reconstruction in Alabama* (New York: 1905), 464-468, 626-627.

²Henry Lee Swint agrees with Fleming on this point. He writes, "practically all Northern teachers in the South were religious to the point of fanaticism. The American Missionary Association specified that its teachers must be fired with missionary zeal. They must be men of fervent piety." James McPherson quotes Swint, supporting the theme that teachers were fanatics who had formed the backbone of the abolition movement, and "became dauntless leaders of an educational movement which was the natural sequel and supplement of their first crusade." Henry Lee Swint, *The Northern Teacher in the South, 1862-1870* (Nashville, 1941), 36. James M. McPherson, *The Struggle for Equality: Abolitionists and the Negro in the Civil War and Reconstruction* (Princeton, New Jersey, 1964), 392.

cational institutions for Alabama Negroes.³ Furthermore, many Northern missionaries were not religious fanatics, and their efforts in Negro relief, education, religion, economic self-improvement and journalism illustrate their deep concern for the actual condition of freedmen.

Northern philanthropy in Alabama was a small part of the national movement to aid the freedmen in the South during and after the Civil War. With the capture of Port Royal, South Carolina, the National Freedmen's Relief Association of New York City, the Educational Society of Boston, and the Port Royal Society of Philadelphia came into being.⁴ Grant's victories in the West in 1863 stimulated the birth of the Western Freedmen's Aid Commission in Cincinnati, the Cleveland Aid Commission, and the Northwestern Freedmen's Aid Commission at Chicago.⁵ 1864 witnessed the start of the African Civilization Society⁶—officered and managed entirely by colored people. A year later the Pittsburgh Freedmen's Aid Society sent out missionaries and the New York Ladies' Southern Relief Association packaged clothing, shoes and cloth for distribution in the South. In addition, church groups such as the Methodists, Presbyterians, Baptists, and Quakers carried on extensive freedmen's aid.⁷ The Methodist Episcopal Church (North) at

³The titles of "missionary" and "teacher" were used interchangeably in the literature of the period and are synonymous. The *Freedmen's Record* recorded in April, 1865, "By the word teacher is not meant those solely who are expected to teach the ordinary branches of school education. Some never enter a school edifice." *Freedmen's Record*, I (April, 1865), 1.

⁴*The American Freedmen*, I (June, 1866), 37.

⁵*Ibid.*, 38.

⁶John W. Alvord, *Seventh Semi-Annual Report on Schools and Finances for Freedmen*, January 1, 1869, 54.

⁷*Ibid.*, 55.

⁸*Senate Executive Documents*, 39 Cong., 2 sess., no. 6, 11. Report of Wager Swayne, Assistant Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands for Alabama, October 31, 1866. A union of many aid societies occurred in May, 1865. "To secure greater harmony of action among the friends of the colored man," the *Freedmen's Record* read, "to give unity and added effectiveness to the movement now on foot in his behalf, and to insure a more judicious and economical expenditure of the means employed for his benefit, the New England Freedmen's Aid Society, and the Pennsylvania Freedmen's Relief Association, and the Baltimore Association for the Moral and

first distributed supplies to Army camps for relief. Later, under John Morgan Walden, it sent missionary preachers and teachers to assist the recently emancipated slaves.⁶ By 1872, this organization employed seventy-five missionaries in the Southern states, and was responsible for over 11,000 pupils.¹⁰ The American Baptist Home Mission Society sent fifty ordained ministers "to labor exclusively for the colored people" during 1866.¹¹ The Quakers of Philadelphia organized the Friends Association for the "aid and elevation" of Freedmen. By 1867, the executive board boasted of thousands of garments, yards of material, pairs of shoes and stockings that had been sent to [southern cities].¹² The Presbyterian Church at the North likewise established schools, planted academies, seminaries, and churches, in behalf of the "lately enslaved African Race."¹³ In all, seventy-nine major aid associations, and innumerable small church and private societies were organized before the Con-

Educational Improvement of the Colored people constitute themselves a general Association—The American Freedmen's Aid Union." *Freedmen's Record*, I, May, 1865, 79. A year later further amalgamation took place when the American Freedmen's Aid Commission incorporated the Chicago, Cleveland and Cincinnati aid societies and became the American Freedmen's Union Commission. The secular philosophy of the AFUC caused disharmony among its members, and a short time later many societies broke away from the AFUC and pursued their own path of providing help to Southern Negroes. Alvord, *Fifth Semi-Annual Report* . . . , Jan. 1, 1868, 48.

⁶Miscellaneous Notes, John Morgan Walden Manuscripts [no date listed], University of Chicago.

¹⁰*American Missionary*, XVI (October, 1872), 231. Even across the Atlantic committees were formed "to assist the people of the United States with the difficulty of caring for the recently emancipated slaves." In London, for example, the Duke of Argyll inaugurated the National Freedmen's Aid Union of Great Britain and Ireland by a speech at the Westminster Palace Hotel, May 17, 1865. In that same year societies originated in Paris, Geneva, Zurich, Dublin, and Berne. Though diverse in motives, aims, and location, all aid societies shared one tenet—to assist Southern Negroes in their new found freedom. *Report of the National Freedmen's Aid Societies of Great Britain*, I (London, 1865), passim. *The American Freedmen*, I (June, 1866), 41-47.

¹¹*Ibid.*, 233.

¹²*Report of the Executive Board of the Friends' Association of Philadelphia and its Vicinity for the Relief of Colored Freedmen*, IV (Philadelphia, 1867), 11.

¹³A brief, factual description of the seventy-nine most important freedmen's aid societies can be found in: Julius Parmelee, "Freedmen's Aid Societies, 1861-1871," U. S. Dept. of Interior *Bulletin*, 1916, 268-294.

federate collapse. Though diverse in origins and location, their common resolve was to provide help for the homeless, hungry, and illiterate freedmen of the South.

In Alabama the need to aid Negroes was as great as in any other area of the South. Thomas Conway, a Union officer, in a letter to the president of the National Freedmen's Relief Association wrote, "The advance of the Army from Mobile upward [in the spring of 1865] was the occasion for the flight of nearly all the colored people from their homes. The roads are filled with thousands upon thousands. Their suffering weakens me . . . Many have starved to death . . . I see freedmen every day who come scared and bleeding from the brutal treatment of their oppressors. There was never presented to any people so vast a field for the exercise of benevolence. Clothing and learning must come from . . . the benevolent hearts of merciful loyal people."¹⁴

A year before Conway posted his letter the Western Freedmen's Aid Commission had appointed "intelligent and responsible agents" to distribute "goods" in Alabama.¹⁵ The agents canvassed army camps to ascertain the most needy areas and furnished them with books, clothes, and rations. This organization also sent missionaries to Talladega and Montgomery, Alabama, in 1865. Soon after, other societies sent representatives and material to aid blacks in Alabama. The Pittsburgh Freedmen's Aid Commission established five schools in the towns of Huntsville, Stevenson, Tuscumbia, Athens, and Selma,¹⁶ and the Cleveland Aid Commission sent missionaries and materials to the state in 1865. Major General Wager Swayne, head of the Freedmen's Bureau in Alabama, reported that the Cleveland Commission sent four teachers to the state in April, 1866. Six months later this active organization supported seven teachers and a matron in Montgomery and three teachers in Talladega.

¹⁴Letter from Thomas Conway, General Superintendent of Freedmen in Alabama, to F. G. Shaw, President of the National Freedmen's Relief Association, quoted in *New York Times*, June 6, 1865.

¹⁵Western Freedmen's Aid Commission, *Appeal in Behalf of the National Freedmen* (Cincinnati, 1864), 10.

¹⁶*Senate Executive Documents*, 39 Cong., 2 sess., no. 6, 11.

"Besides the pay and maintenance of these," Swayne wrote, "the commission has made quite liberal contributions of clothing and distributions to the destitute."¹⁷ The only other major non-denominational society to dispatch supplies and missionaries to Alabama was the Northwestern Freedmen's Aid Commission. This society contributed "ten packages of clothing" to Negroes at Huntsville, and secured a hospital for school purposes in Mobile.¹⁸

Numerous local organizations and benevolent individuals in the North also sent aid to Alabama Negroes. The Freedmen's Aid Society of Tallmadge, Ohio, contributed books, stationery, slates and money to various schools in Alabama.¹⁹ C. P. Wheeler, a teacher in Eufaula, acknowledged, "The Readers came just in time and will be of great service. Many thanks to the Tallmadge Aid Society for your generous donation."²⁰ The Ladies Benevolent Society of Burton, Ohio, sent articles of clothing, boxes of books, and "other necessities," to Josephine Pierce at Talladega.²¹ Mr. William P. Daniels of Worcester, Massachusetts, gave twenty-five dollars for the teachers home at Athens.²² Mr. S. Parker of Bentwater, Michigan, donated one hundred dollars to a missionery school in Talladega,²³ and some people in Vermont presented \$112 to a school for colored children in Union Springs, Alabama.²⁴

¹⁷*Ibid.*, 12.

¹⁸*Annual Report of the Board of Directors of the Northwestern Freedmen's Aid Commission*, II (Chicago, 1865), 10, 11.

¹⁹*Senate Executive Documents*, 39 Cong., 2 sess., no. 6, 12-13.

²⁰Letter from Albert A. Safford to Erastus Milo Cravath, Secretary of the American Missionary Association, Talladega, Alabama, June 15, 1872, American Missionary Association Manuscripts, hereafter referred to as AMA MSS.

²¹Charles P. Wheeler to Edward P. Smith, Secretary, A.M.A., Eufaula, Alabama, October 31, 1868, AMA MSS.

²²Josephine Pierce to Erastus M. Cravath, Talladega, Ala., September 30, 1871. *American Missionary*, XVI (October, 1872), 229.

²³Carrie M. Blood to Erastus Cravath, Athens, Alabama, March 27, 1871, AMA MSS.

²⁴Josephine Pierce to Erastus Cravath, Talladega, June 29, 1872, AMA MSS.

²⁵William P. M. Gilbert to G. Pike, Tuskegee, Alabama, November 29, 1869, AMA MSS.

Though church groups, aid societies and benevolent individuals combined their efforts to assist Alabama freedmen, the amount of their help was small. Perhaps because of geographic isolation, or the fact that most of the Civil War battles were fought in Virginia, the freedmen in Alabama received less attention than other Southern states, until the American Missionary Association entered the field in 1867. Freedmen's Aid Societies based in Pittsburgh, Cincinnati, Cleveland and Chicago sent clothes, rations, books and a few missionaries to the state, smaller organizations contributed slaves and stationary, and charitable individuals afforded \$25 or even \$100 grants to freedmen in 1865 and 1866. But this was not great when compared to the assistance rendered other Southern states by Northern philanthropy during the same period. For instance, benevolent societies had founded eight schools in Alabama by late 1866. In the same period philanthropic organizations supported fifteen times as many schools in Virginia and North Carolina, and ten times as many in South Carolina, Georgia, Louisiana, Texas, Maryland and Tennessee.²⁶ After eighteen months of peace, Northern aid associations had commissioned thirty-one teachers to Alabama, compared to the two hundred commissioned to Virginia and the 148 to South Carolina.²⁷

²⁶John Alvord's report in 1866 includes the following table:

	No. of Schools (for freedmen)	Teachers (for freedmen)
Virginia	123	200
North Carolina	119	135
South Carolina	75	148
Georgia	79	113
Florida	38	51
Mississippi	50	80
Louisiana	73	90
Texas	90	43
Arkansas	30	28
Maryland	86	101
Tennessee	74	132
ALABAMA	8	31

The report noted that Alabama in some cases reported school systems rather than individual schools. The total number of schools and teachers still remained far below other Southern states. Alvord, *Second Semi-Annual Report*, July 1, 1866, 2.

²⁷*Mobile Advertiser and Register*, August 25, 1866.

Miss Ellen L. Benton, who taught at Hampton and Fortress Monroe, Virginia, from 1863 to 1867, and then moved to Tuscaloosa, protested, "I have been teaching in this place for three months. I cannot say I like it as well as Virginia . . . We have nothing to assist us to interest the children or to attract them to the school, and we feel a need of some of those things that are sent to the schools in Virginia."²⁸ Another missionary lamented, "The Northwestern Freedmen's Aid Commission have relinquished the field [here] having never in fact more than nominally occupied it." R. D. Harper, Superintendent of Education for the Freedmen's Bureau in Alabama, as late as 1868, pleaded, "We are almost daily in receipt of most urgent appeals [for missionaries and supplies] Cannot something additional be done."²⁹

The disparity of aid received by Negroes in Alabama as compared to other Southern states is further illustrated by the activities of the Peabody Education Fund. Endowed with one million dollars from George Peabody in 1867, the Fund sent money to individual school districts in the South until well into the twentieth century. Notwithstanding an exuberant editorial in the *Mobile Register* that proclaimed George Peabody "benefactor of the Southern people," and the initial optimism of Barnas Sears, the general agent of the Fund in the South, little help was forthcoming to Alabama.³⁰ The state received only a few thousand dollars a year between 1868 and 1872. In 1873, Alabama school districts accepted a total of \$7,000 for public education in five locations, while \$32,000 was distributed to fifty-eight cities and towns in Virginia.³¹ In 1874, the Peabody Fund granted Alabama one fourth of the amount given to

²⁸Ellen Benton to Edward Smith, Tuscaloosa, Alabama, July 29, 1867, AMA MSS.

²⁹R. D. Harper to George Whipple, Secretary, A.M.A., Montgomery, April 1, 1868, AMA MSS.

³⁰*Mobile Register*, Feb. 19, 1867. Sears explained to the Board of Trustees of the Peabody Education Fund in 1868, "Two considerations make it necessary to be somewhat liberal in our allowances for Alabama and Mississippi. One is they are far behind other states in interest in education, and require powerful stimulants; and they have not a great number of large towns, where alone [the Fund can be effective.]" *Proceedings of the Trustees of the Peabody Education Fund*, I (Boston, 1875), 108.

³¹*Ibid.*, 317.

Virginia.³² The next year, of the nearly one hundred thousand dollars expended by this Northern based organization, the states with the third largest number of Negroes in the United States got about three thousand dollars.³³ Every Southern state, with the exception of Florida, obtained more monetary aid from the Fund than Alabama.

Sears justified this maldistribution in a letter to the Alabama Superintendent of Schools. He scolded, "if the people do little we do little. If they do nothing, we do nothing. Several states are doing nobly now . . . I cannot specify any amount of Alabama."³⁴ Later he added, "the apathy of the people [of the state] seems to be quite as great as their poverty. For these reasons our contributions for Alabama are at present very limited."³⁵ The policy of the Fund, promulgated and supported by Sears, re-requiring schools "well regulated," continued for ten months of the year, and having regular attendance of not less than 85%, discriminated against states where poverty was greatest. Alabama, in urgent need of assistance, ironically received less than its neighbors.³⁶

Not only was the amount donated to public education in Alabama small, but aid to white schools exceeded that given to Negro schools. The official policy of the Fund, announced in February, 1871, called for payment to white schools enrolling not less than 100 pupils, \$300; 200 pupils, \$450; and two thirds of that rate for colored schools.³⁷ In general, because of inadequate appropriations and discrimination, the Peabody Education Fund accomplished little for Negro public schools in Alabama.³⁸

The two most significant sources of Northern assistance to Alabama's freedmen were the Freedmen's Bureau and the American Missionary Association. The bill that passed both

³²*Ibid.*, 368.

³³*Ibid.*, II, 16-18.

³⁴*Ibid.*, II, 68.

³⁵*Ibid.*, II, 169-170.

³⁶*American Missionary*, XVI (August, 1872), 184.

³⁷*Ibid.*, 183.

³⁸*Proceedings of the Trustees of the Peabody Education Fund*, I, 209, 256-258, 310-314, 377.

branches of Congress over President Andrew Johnson's veto, July 16, 1866, empowered the Commissioner of the Freedmen's Bureau in Alabama "to seize, hold, lease, or sell all buildings . . . as were formerly owned by or claimed and not heretofore disposed of by the United States government." The buildings were to be used for educational purposes, "whenever benevolent associations shall, without cost to the Government, provide suitable teachers and means of instruction."³⁹ It also instructed Bureau agents to cooperate at all times with private benevolent associations and teachers "duly accredited and appointed by them."⁴⁰ In short, as Bureau Assistant Commissioner Clinton B. Fisk stated, "benevolent and religious organizations will be afforded the utmost facilities in the establishment and maintenance of good schools."⁴¹

In Montgomery the Bureau appropriated \$10,000 for a school building just south of the Capitol in 1868. The colored people purchased the property, while George Stanley Pope, an American Missionary Association representative, supervised construction of the new school house, and became its first principal.⁴² General Swayne entrusted to one philanthropic organization four thousand dollars toward a school in Selma, and two thousand for a school house in Marion.⁴³ In Tuscaloosa, the Bureau paid rent on a "one room frame structure" for a missionary teacher.⁴⁴ Charles W. Buckley, the Superintendent of Education for the Freedmen's Bureau in Alabama, reported to the American Missionary Association "six thousand dollars deposited at Montgomery for purchase of the Talladega College, and the appropriation of twice that sum to Mobile for school

³⁹*The American Freedmen*, I (August, 1866), 77.

⁴⁰*Ibid.*

⁴¹*House Executive Documents*, 39 Cong., 1 sess., no. 69, p. 49. Letter from Clinton B. Fisk, Assistant Commissioner of BRFAI to War Dept., July 24, 1865.

⁴²*American Missionary*, XII (Sept., 1868), 200.

⁴³John Silsby to Erastus Cravath, Selma, Alabama, Feb. 26, 1867, AMA MSS.

⁴⁴Ellen L. Benton to Edward P. Smith, Sect. of A.M.A., Tuscaloosa, Alabama, Oct. 18, 1867, AMA MSS.

purposes.”⁴⁵ On Sunday, April 11, 1869, missionary Thomas C. Steward dedicated a school building in Marion. It was built at a cost of about four thousand, two hundred dollars. The Bureau provided twenty-eight hundred dollars, while the colored people of Marion and the A.M.A. contributed the remainder.⁴⁶

In addition to providing buildings and paying rent for Negro schools the Bureau also paid teachers' salaries. Though the law forbade direct subsidy in this manner, Mr. Buckley in a note of appreciation to the A.M.A. stated: "I am sincerely thankful for all your association are [*sic*] doing for us . . . The bureau will see that they [the teachers] are paid and have good care."⁴⁷ An examination of the expenditures of the Freedmen's Bureau in Alabama illuminates the extent of Federal help. The Bureau spent \$156,941.10 for educational purposes in the state between 1865 and 1870. Of this amount \$116,297.62 went for rent, repairs and construction of school buildings, \$34,846.56 for salaries of teachers, \$1,307.48 for transportation of teachers, \$4,411.26 for salaries of superintendents and additional amounts for school books and furniture.⁴⁸

The American Missionary Association, unlike the Peabody Education Fund, centered its attention on the education, relief, and uplift of Alabama freedmen. Dating back to the fourth decade of the nineteenth century, the Association began as a committee formed to secure the release of forty-two slaves who had risen against their Spanish captors on the slave schooner "Amistad."⁴⁹ A generation later the organization became the most important society engaged in missionary and educational work among freedmen in Alabama. The number of teachers

⁴⁵*Twenty-First Annual Report of the American Missionary Association* (New York, 1867), 59. Charles Buckley, Superintendent of Education for the Freedmen's Bureau in Alabama to Erastus M. Cravath, Montgomery, Alabama, July 26, 1867, AMA MSS.

⁴⁶*American Missionary*, XIII (Aug., 1869), 172.

⁴⁷Elizabeth Bethel, "The Freedmen's Bureau in Alabama," *Journal of Southern History*, XIV (Feb., 1948), 69. Charles Buckley to Edward Smith, Montgomery, Alabama, April 26, 1867. *Ibid.*, May 17, 1867, AMA MSS.

⁴⁸Bethel, "The Freedmen's Bureau in Alabama," 89.

⁴⁹A.M.A., *Annual Report*, XXI, 11; XXII, 30.

sent to the state by the A.M.A. far exceeded the total of all other organizations. Similarly, the expenditures of the society in the state surpassed one million dollars, including missionaries', superintendents', and teachers' salaries, traveling expenses, books, lands, school houses, furniture, and physical relief to the sick and destitute.⁵⁰ In 1867, the *Annual Report* of the Association read: "Alabama has received less assistance from the American Missionary Association than its importance deserves. It is hoped that for the coming year the Association will have the funds to enlarge greatly the work in Alabama."⁵¹ In 1867, thirty-nine A.M.A. missionaries accepted commissions, and journeyed to Valhermosa Springs, Talladega, Selma, Girard, Athens, Demopolis, Marion, Mobile, and Montgomery, Alabama.⁵²

Similar to representatives of other Northern organizations, A.M.A. teachers endeavored to feed the hungry, care for the sick, and cloth the destitute. Simultaneous with the commissioning of large numbers of teachers to Alabama, an official described conditions as "truly alarming Destitution is rapidly on the increase throughout the state. The supply furnished by the government, though apparently large, is wholly inadequate to meet the pressing wants of the destitute. In some localities persons are reported to have actually perished from want of food."⁵³ A Northern newspaper account in 1867, titled "What has been done for the destitute people of the South?" depicted want in Alabama as "greater than any of the other states."⁵⁴ The United States government declared thirty thousand Alabama Negroes destitute in that year. Association teachers provided

⁵⁰*American Missionary*, XVIII (January, 1874), 12; A.M.A. *Annual Report*, XXII, 8.

⁵¹A.M.A., *Annual Report*, XXI, 51.

⁵²For yearly commissions of A.M.A. see *American Missionary*, XIII (May, 1869), 102-103; XIV (June, 1870), 124-125; XV (May, 1871), 98-99; XVI (May, 1872), 98-99; XVII (Sept. 1873), 196-197; XIX (Feb. 1875), 32.

⁵³Official reports and newspaper accounts vary as to the exact number of destitute in Alabama between 1865-1870. See *House Executive Documents*, 40 Cong., 2 sess., no. 1, 650-680, Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands. *Baltimore American and Commercial Advertiser*, October 2, 1866; May 2, 1866; May 7, 1867. *New York Times*, Feb. 7, 1866.

⁵⁴*Baltimore American and Commercial Advertiser*, May 7, 1867.

some help, though little could be done on a large scale because of inadequate funds. John Silsby, whose remarkable career in the state covered a decade, provided rations for the needy in Selma. John Kimball established an "eating house" for destitute Negroes, and William Richardson distributed corn to needy families in Mobile.⁵⁵ J. Curry acknowledged "a cheque" for \$100.00 from the New York Southern Relief Association and applied it to "necessitous black families that are painfully destitute."⁵⁶ Moreover, A.M.A. teachers cared for the sick.⁵⁷ Besides the major epidemics of small pox, cholera, and yellow fever that swept the state periodically, inadequate diet and unsanitary conditions caused sickness among freedmen.⁵⁸ By November, 1867, the Freedmen's Bureau had established eight hospitals in the state. Missionaries worked in the "Bureau hospitals" as nurses, doctors' aides and administrators. Miss Eliza J. Ethridge of Dover, Illinois, and Miss Harriet Wiswell of Chicago cared for black patients at Riverside, five miles north of Mobile.⁵⁹ Others found employment in hospitals throughout the state.⁶⁰ Again, the number treated was small compared to the total number of Negroes that needed medical attention.

Along with caring for the starving and ill, A.M.A. teachers distributed clothing to the "imperfectly clad."⁶¹ John Coburn, Chairman of a House Committee investigating "Affairs in Alabama," reported "the appearance of the colored people in the state of Alabama is a silent and powerful witness to their poverty."⁶² and a teacher despaired that many scholars left

⁵⁵ John Kimball to Edward P. Smith, Mobile, Alabama, Feb. 12, 1870, AMA MSS.

⁵⁶ Letter from J.S.M. Curry to New York Relief Association, Marion, Alabama, April 18, 1867, printed in Anna M. Holmes, *New York Ladies Southern Relief Association, 1866-1867* (New York, 1926), 46.

⁵⁷ O. Gates to John Ogden, Benton, Alabama, Dec. 4, 1867, AMA MSS.

⁵⁸ *Mobile Register*, March 1, 1866; *Senate Executive Documents*, 39 Cong., 1 sess., no. 27, Report of Assistant Commissioners of BRFAAL (Wager Swayne, January 31, 1866); *Baltimore American*, March 22, 1866.

⁵⁹ *American Missionary*, XI (Nov. 1867), 255.

⁶⁰ A.M.A., *Annual Report*, XXII, 74-75.

⁶¹ *The Annual Report of the Board of Directors of the Northwestern Freedmen's Aid Commission*, II (Chicago, 1865), 5; *American Missionary*, XIX (March, 1875), 57.

⁶² *House Report*, 43 Cong., 2 sess., no. 262. "Affairs in Alabama," 1865, 94.

school because they were "pitifully destitute of clothing."⁶³

Barrels and boxes of clothes were sent from the North to Association teachers in Alabama and distributed among the Freedmen. Miss Mary E. Smith of Emerson Institute in Mobile, dispensed "one barrel of clothing from the Benevolent Society of the First Congregational Church of Southwest Boyston, Massachusetts" to Negroes in the Mobile area.⁶⁴ Miss Josephine Pierce, a missionary at Talladega, doled out a box of bedding valued at \$125 from the Presbyterian Church of Canfield, Ohio, and a box of clothing from the Congregational Church of Tallmadge, Ohio, to Freedmen around Talladega.⁶⁵ In a like manner Mrs. Emeline M. W. Bassett, a teacher at Eufaula, Alabama, distributed a barrel of clothes among the poverty stricken. In a letter to Erastus M. Cravath, Secretary of the American Missionary Association, she described in vivid detail the conditions of poverty among the Freedmen, and her effort to alleviate suffering:

The good peo. of Middletown sent me a bbl. of clothing, some interesting cases came up in giving them out—but I suppose they are much the same as are constantly reported to you: one I think however was a little the saddest I have yet seen: We had very cold weather last week—the coldest this winter I think—one morning it was so severe that the thought of some warm little garments still left in the bbl. troubled one. For I knew there were plenty of little folks that needed them, so I wrapped myself up and started out with a big bundle in my arms to find them. I went to one poor old hut that I know—a few loose boards nailed together—a mud chimney at one end and the bare ground, usually muddy for a floor is the whole of it . . . I saw a sick woman lying upon a broken iron bedstead covered with very dirty rags. There was nothing else in the room except an old barrel with a board across it on which were two or three broken dishes, and an old chair . . . two or three little chips

⁶³*American Missionary*, XVIII (February, 1874), 36.

⁶⁴Mary E. Smith to John Strieby, Secretary, A.M.A., Mobile, Alabama, April 8, 1869, AMA MSS.

⁶⁵Josephine Pierce to G. Pike, Talladega, Alabama, Feb. 24, 1871, AMA MSS.

were smoking in the broken down fire place which a sad sickly looking little five year old boy had put there to keep his mother warm while he stood out of doors on the sunny side of the house to get the heat of the sun. The woman had consumption and had been [down] nearly a year. I left clothing and blankets for the mother and boy.⁶⁶

Mrs. Bassett's dramatic description of poverty near Eufaula, and her distribution of clothing, typifies the relief effort of A.M.A. teachers. This charity was not on a massive scale. Indeed, neither the state government nor the Freedmen's Bureau inaugurated large scale relief measures. If Mrs. Bassett and her co-workers failed to cure poverty in Alabama, they did alleviate the suffering of many freedmen.

Though disease and destitution existed among blacks in Alabama during the period, an over-emphasis of the "wretchedness" of Negroes is misleading.⁶⁷ The great number of Freedmen found employment soon after the end of hostilities and a few raised themselves to positions of wealth. One Montgomery planter stated "negroes never worked better than they are now doing."⁶⁸ Governor Patton, in his message to the legislature in January 1866, commented, "everywhere the freedmen seem to be entering into contracts for the present year and cheerfully and faithfully entering upon the discharge of the obligations contracted."⁶⁹ A month later a special correspondent for the *Nation* summarized his visit to Mobile: "The freedmen in this part of Alabama have almost all found work for the year, and already enter upon the performance of it. In the immediate neighborhood of Mobile the turpentine business forms the chief employment of the people; and for working in the orchards the men receive some ten, some fifteen, some even twenty-five

⁶⁶Emeline M. W. Bassett to Erastus M. Cravath, Eufaula, Alabama, Feb. 7, 1872, AMA MSS.

⁶⁷Fleming, 309, 312; Hilary Herbert, *Why The Solid South?* (Baltimore, 1890), 29.

⁶⁸*Senate Executive Documents*, 39 Cong., 1 sess., vol. 2, no. 27, 65.

⁶⁹*Mobile Register*, Jan. 18, 1866.

dollars a month.”⁷⁰ A newspaper article in the same city reported one Freedman worth \$30,000 in specie, and several others worth from \$10,000 to \$25,000. The article continued, “and we have further knowledge that on Friday last, four Freedmen purchased the valuable property on the corner of Royal and St. Anthony Streets for the sum of \$35,000, and received a deed for it. Two others recently purchased real estate to the amount of \$6,000, and the deed is on record.”⁷¹

Though Northern missionaries were concerned with feeding the destitute, caring for the sick, and clothing the poor, their foremost purpose was “to banish ignorance from the land.” Prior to 1868, the responsibility for educating the recently emancipated slaves in Alabama was largely in the hands of American Missionary Association teachers. Neither the provisional government, nor the state legislature of 1865-67, provided state funds for the support of Negro education.⁷² Even with the advent of Congressional Reconstruction public assistance was small. “In the present impoverished condition of Alabama,” wrote Edwin Beecher, State Superintendent of Education in 1869, “without any funds in the public treasury for the establishment of schools, but little can be done during the present year toward the establishment of public free schools throughout the state.”⁷³ Though the Radical Reconstruction legislature provided for a state board of education and a school fund administered by a superintendent of education, financial difficulties hampered their effectiveness.⁷⁴ For instance, many schools closed because of a lack of money in 1872, and as the nation slumped into a severe depression in 1873, the Alabama Board of Education closed all the public schools, except for a few in the large cities and towns “on account of the depleted condition of the state treasury.”⁷⁵ Thus, to a large extent, Negro

⁷⁰*The Nation*, II (New York, 1865), 209.

⁷¹*Mobile Register*, Feb. 18, 1866.

⁷²Horace Mann Bond, *Social and Economic Influences on the Public Education of Negroes in Alabama, 1865-1930* (Washington, 1937), 73-86.

⁷³Alvord, *Report*, Jan. 1, 1869, 27.

⁷⁴*Ibid.*, Jan. 1, 1867, 16.

⁷⁵*Proceedings of Peabody Trustees*, I, 422.

education in Alabama during the period 1865-1875 was directed by Northerners—more specifically, the teachers of the American Missionary Association.

A.M.A. missionaries organized primary, secondary, and normal schools, recruited Negro teachers, introduced academic curricula, purchased land and buildings for new schools, and in many localities brought Negro schools to a par with white schools.

William T. Richardson, A.M.A. Superintendent of Schools in Montgomery, bought the Trade House building in 1867. He gathered together five hundred scholars into a primary day school and two hundred adults into a night school.⁷⁶ Negroes learned to read and write, and soon attained "a proficiency" that was "truly cheering."⁷⁷ At the same time, George S. Pope opened Swayne School in the state capital. A white gentleman remarked to a reporter from the *Montgomery Advertiser* that he was astonished at the proficiency of colored pupils at Swayne School.⁷⁸ The next year Pope started normal classes, and on September 5, 1870, fifteen colored teachers left by train to teach in nearby communities.⁷⁹ Ironically, they boarded the railway cars of the Montgomery and Mobile in sight of the Confederate Capitol, where Jefferson Davis took his oath, where the first Congress of the Confederate States of America met and sent their message to "open on Sumter," and next to a brick wall still bearing the sign "Negro Brokers."⁸⁰ In 1868, one observer described Negro schools in Montgomery "on a par" with white schools, shortly after the American Missionary Association began its work there.⁸¹ And a reporter for the *Chicago Tribune* remarked after witnessing "examinations" at Swayne School, "I have never seen scholars who have been in

⁷⁶A.M.A., *Annual Report*, XXI, 49.

⁷⁷*Ibid.*, 50.

⁷⁸*American Missionary*, XVIII (Sept., 1874), 199.

⁷⁹*Ibid.*, XIV (Sept., 1870), 22.

⁸⁰*Ibid.*, 199-200.

⁸¹George L. Putnam to Edward P. Smith, Montgomery, Alabama, Nov. 21, 1868, AMA MSS.

school for the same length of time do better. I am especially pleased with the recitations in grammar."⁸²

In Selma, Marion, and Athens, Northern teachers reported similar progress. Thomas C. Steward mailed sketches of Marion's Lincoln Academy for Freedmen to the New York office of the A.M.A. In his first letter to the home office Steward referred to himself as a pioneer teacher, and described "pupils unused to books and school." In a later correspondence he said, "three years ago the pioneer teacher in this place was constantly reminded of many difficulties . . . Now the teachers in Lincoln Academy, with its pleasant well arranged rooms and well graded school, find their duties essentially such as they would in any union school at the North."⁸³ At Selma a day school for colored children opened May 1, 1867.⁸⁴ For the first month it averaged only 15 pupils; the second month, 30; and the third, 50. In Athens, four lady teachers from Michigan taught four grades. The curriculum included first through fifth Readers, geography, grammar, arithmetic, Latin, and "higher branches." Miss Mary F. Wells, of Ann Arbor, described her colleagues and students in glowing terms. "Supported by the American Missionary Association the ladies are doing great good," she wrote, "not only in the school but among the free people outside the school. We have [started] a large school also at night in which all the teachers are engaged for the parents of our day school scholars." I came here in 1865 [and since that time] there has been steady enthusiasm[,] . . . progress [,] and zeal."⁸⁵

A week after the Civil War ended the Northwestern Freedmen's Aid Society, later a branch of the A.M.A., opened a graded primary school for Freedmen in Mobile. Within four months courses included reading, arithmetic, advanced English, and geography. An article in the *American Freedman*, the official organ of the American Freedmen's Union Commission, praised the school for "excellent discipline," "rigid examinations," and

⁸²*American Missionary*, XIX (Oct., 1875), 225.

⁸³*Ibid.*, XIV, 200.

⁸⁴Alvord, *Report*, Jan. 1, 1868, 32.

⁸⁵Mary F. Wells to Edward P. Smith, Athens, Alabama, Feb. 18, 1867, AMA MSS.

"truly surprising progress by the majority of scholars."⁸⁶ A year later, John Morgan Walden, Secretary of the Western Freedmen's Aid Commission, reported "the Mobile primary schools are among the most successful under the commission."⁸⁷ On January 7, 1868, the American Missionary Association with a large donation from Ralph Emerson of Rockford, Illinois, purchased a brick building four stories high, surrounded by four acres of garden, and fronting "on the most aristocratic street in the city."⁸⁸ Supplied with modern furniture, it was equipped with a complete set of chemical apparatus, and rooms to accommodate eight hundred scholars. The editor of the *Mobile Advance* deemed, "the system of education now afforded the colored children of Mobile [not] inferior to the best advantages within reach of whites."⁸⁹ In March, 1868, George Putnam became the first principal of Emerson School, named after its benefactor, and soon instituted college and normal courses.⁹⁰ Late in 1869, thirty colored teachers graduated with teaching certificates and began to establish schools for Freedmen in the community.⁹¹ Within half a decade, teachers from "Blue College"—the name students gave to Emerson—had taught over 3,000 black scholars.⁹² Moreover, the educational activities of the A.M.A. in Mobile, as elsewhere in Alabama, stimulated a free public school system for freedmen. Horace Mann Bond, the leading historian of Negro education in Alabama, writes, "What the Mobile board would have done for the education of Negroes

⁸⁶*American Freedmen*, I (Sept., 1866), 99.

⁸⁷*Ibid.*, I (May, 1866), 27.

⁸⁸*American Missionary*, XII (March, 1868), 61. Jacob Shipherd, an officer in the A.M.A. was sent to Mobile to purchase land and a school. He wrote, "Our transaction was consummated yesterday to the great satisfaction of all parties. . . . The Deeds will be sent to you as soon as recorded. . . . This property cost over \$50,000 and its possession gives us unexampled prestige in the whole valley." Jacob Shipherd to Mr. Whitney, Mobile, Jan. 7, 1868, AMA MSS. A day later George Putnam sent a telegram to Edward P. Smith, "The college is ours, we have possession." Telegram, George Putnam to E. Smith, Mobile, Jan. 8, 1868, AMA MSS.

⁸⁹George L. Putnam to Edward P. Smith, Mobile, Alabama, Jan. 18, 1869; George L. Putnam to the Secretaries of the A.M.A., Mobile, May 6, 1869, AMA MSS.

⁹⁰*Ibid.*, XII (March, 1868), 62.

⁹¹George Putnam to [J.] Strieby, Mobile, Alabama, October 10, 1869, AMA MSS.

⁹²*American Missionary*, XIX (Oct., 1875), 225.

without the presence of the American Missionary Association must remain a matter of speculation. With the Association present as a competing and stimulating agent, the Board was led successively toward the development of a system of free schools for Negroes."⁹³

At Talladega, where the Cleveland Freedmen's Aid Commission had maintained an "excellent school" since 1865, the A.M.A. founded the first college institution for Negroes in Alabama in 1867.⁹⁴ The "generous liberality" of Reverend L. Foster, of Blue Island, Illinois, supplied "in a large measure" the funds for the erection of a brick building sixty by one hundred feet and three stories high.⁹⁵ It was furnished with recitation rooms, classrooms, a chapel, and living quarters for fifty pupils.⁹⁶ The *Twenty-Second Annual Report* of the A.M.A. termed Talladega College "one of our best schools."⁹⁷ In 1868, Henry E. Brown, a Nebraskan and first principal of Talladega, organized a normal department and a recruitment program for Negro teachers.⁹⁸ He visited the nine adjacent counties seeking teachers, and told community leaders, "pick out the best specimen of a young man you have for a teacher, and bring to church with you next Sunday all the corn and bacon you can spare for his living, and I will take him to my school and make a teacher of him."⁹⁹ Not only did Brown muster promising students to become teachers, but on one occasion he took a tent "Just received from New York," four of his class, and went "among the mountains to help the people build a house for day school and church purposes."¹⁰⁰ "So day after day the men worked," he wrote from Kingston, "making shingles and hewing timber, . . . and now the school house chapel, 26 x 38 feet, is nearly done,

⁹³Bond, *Public Education for Negroes* . . . , 84.

⁹⁴Alvord, *Report*, July 1, 1868, 64.

⁹⁵*American Missionary*, XIII (March, 1869), 61.

⁹⁶*Ibid.*, (Oct., 1869), 224.

⁹⁷A.M.A., *Annual Report*, XXII, 65.

⁹⁸The nine adjacent counties, thickly populated with blacks, had no schools for freedmen. *Ibid.*

⁹⁹*Ibid.*, 65.

¹⁰⁰A.M.A., *Annual Report*, XXVII, 27; *American Missionary*, XVII (Nov., 1873), 256.

and already one of my helpers has gone to another field called the 'Cove' to help get shingles for another building."¹⁰¹ In 1869, largely due to Brown's initiative, two hundred students attended Talladega College and the normal class counted nearly fifty.¹⁰² In addition, colored teachers, trained at Talladega, established schools in remote areas. One wrote, "I went to Clay county. There was no preparation for a school and no school house. The white people were not willing to let the colored people have time to build. I found a colored person's house, and went in and began school with prayer. One Saturday we cut logs for a [school] house So we totes the logs and built a school."¹⁰³

Mr. Brown instituted an academic curriculum and a rigorous "set" of examinations. He initiated classes in Latin and Greek, geography, and grammar, arithmetic and "analysis."¹⁰⁴ One visitor remarked, after having witnessed the year end examinations, "the scholars show a really surprising power of analysis."¹⁰⁵ A Talladega newspaper praised the Negro college for being one of the most successful of the many institutions of learning established in the South by Northern philanthropists.¹⁰⁶ Ex-Governor Parsons, who visited Talladega, remarked that he was impressed with the capacities of the Freedmen and the "thoroughness" and "efficiency" of the instructors.¹⁰⁷ Similarly, Judge McAfee, who had resided in Talladega since 1833 and had served "as a trustee with the principle schools" in the antebellum period said, "I will content myself by saying that no institutions of learning [in Talladega] since that time [1833] to the present, equals this College, and that the worthy President and associate teachers are emintly [*sic*] qualified for their delicate . . . and responsible trusts."¹⁰⁸

¹⁰¹ A.M.A., *Annual Report*, XXVII, 29.

¹⁰² Henry E. Brown, to Edward Smith, Talladega, Alabama, Jan. 14, 1869, AMA MSS.

¹⁰³ *American Missionary*, XIV (Aug., 1870), 175-176.

¹⁰⁴ *Ibid.*, XVI (Aug., 1872), 178; (Sept., 1872), 199.

¹⁰⁵ Henry E. Brown to Dr. Taylor, Sect. of the American Bible Society, Talladega, Alabama, Feb. 18, 1869, AMA MSS.

¹⁰⁶ A.M.A., *Annual Report*, XXIX, 45, quoting Talladega *Our Mountain Home*, n.d.

¹⁰⁷ *American Missionary*, XIX (Sept., 1875), 196-197.

¹⁰⁸ *Ibid.*, XVIII (August, 1874), 73.

The educational work of A.M.A. missionaries among Alabama Negroes was impressive. Though they failed to "banish ignorance from the land," Northern teachers built schools, organized college and normal departments, obtained help from the Freedmen's Bureau, stimulated black enthusiasm for Negro education, and introduced academic courses and "rigid examinations." Schools were erected in over thirty locations under the direct supervision of Association representatives. College institutions for blacks opened their doors at Talladega, Montgomery, and Mobile and trained, Negro teachers planted schools in Black Belt counties where previously no educational opportunities existed for ex-slaves and their children. The curriculum of study in A.M.A. schools included a wide variety of courses, ranging from fundamentals in reading and writing to Latin and Greek. And far sighted Northern reformers in Alabama engendered a spirit of enthusiasm among freedmen for their own educational elevation. By 1871, the quality of colored schools in Mobile equalled that of white schools. Talladega Normal School was rated one of the best in the South by white citizens, and Swayne School in Montgomery enrolled nearly six hundred Negro scholars.¹⁰⁸

Though relief and education of Freedmen in Alabama were of primary concern to A.M.A. teachers, they also became involved in numerous other activities to aid blacks. Northern missionaries started churches and temperance societies, invested association funds, advanced various economic schemes, solicited the cooperation of white businessmen, and one became the first editor of the *Nationalist*, a Negro newspaper in Mobile. With rare exceptions, notably Thomas C. Steward, who was a state Senator, and John Silsby, a member of the 1867 constitutional convention, missionaries in Alabama did not take an active part in political affairs. Though Republican in sympathy, they believed the educational interests of the freedmen could best be served by staying out of politics. For instance, Albert A. Safford complained of a politically minded teacher sent to Talladega. He wrote, "Your letter stating that Mr. Steward of Marion will be with us soon is received . . . I assure you I

¹⁰⁸ A.M.A. School reports for individual Alabama schools on a yearly basis are in AMA MSS.

am *not* pleased at the thought that he may be sent here next year. I wish we could secure another man for this reason. Mr. Steward has a state wide reputation as a politician. That [is why] he was compelled to leave Marion. I have learned that if we would succeed in our work we must for the present, at least, let politics entirely alone."¹¹⁰

Though many Northern missionaries remained aloof from politics, all participated in church work. The stated aim of the Association was "to commission only teachers possessing the spirit of true religion." The missionaries believed they were called to work among the freedmen "not only by the claims of country but also by the voice of God . . . [to mold] not only citizens of the Republic but children of our Father in heaven."¹¹¹ Consequently, missionaries organized churches throughout Alabama. Reverend George W. Andrews assembled a congregation in Montgomery.¹¹² G. S. Pope paid \$1000 for a building in Selma "consecrated to the service of God"¹¹³ In November, 1873, the Sunday School numbered over one hundred, and Pope exclaimed, "I have never labored in any place where there was so much interest manifested by the citizens in our church work."¹¹⁴ In Marion, T. C. Steward directed Freedmen who cut timber and pounded nails for a new chapel. In August 1870, Negro masons completed the plastering, and church services commenced.¹¹⁵ In all, Northern missionaries founded eight Congregational churches and as many Baptist, Methodist, and Episcopal churches in Alabama in the decade after the Civil War.¹¹⁶

A.M.A. teachers also organized temperance societies. Sarah A. Jenness counted the membership of the "Lincoln Temperance Society of Eufaula" at one hundred in September, 1867. She then asked the New York office of the A.M.A. for eighty more

¹¹⁰ Albert A. Safford to Erastus Cravath, Talladega, Alabama, May 4, 1871; Thomas C. Steward to Erastus Cravath, Marion, Alabama, April 5, 1871.

¹¹¹ *American Missionary*, X (October, 1866), 225.

¹¹² *Ibid.*, XIX (March, 1875), 55.

¹¹³ *Ibid.*, XVII (Nov., 1873), 276.

¹¹⁴ *Ibid.*, 277.

¹¹⁵ *Ibid.*, XVI (Feb., 1872), 29.

¹¹⁶ *Ibid.*, XIX (March, 1875), 55.

certificates of membership.¹¹⁷ Elliot Whipple bragged of one hundred and twelve Freedmen who had signed temperance pledges, "quite a number of whom were in the habit of drinking, many more of whom are seriously thinking about giving up their drams."¹¹⁸ H. Brown called one Sabbath "a day of rejoicing" because a bar-tender, "who only a few weeks since had drank [*sic*] in a few days, thirty dollars worth of whisky," joined the Temperance Society of Talladega.

The interest of A.M.A. teachers in building churches and enlisting temperance pledges was indicative of their deep religious convictions. Almost all were devout Christians.¹¹⁹ Miss Eliza Ayer ended a year of missionary work with the following words: "I have enjoyed the work this year, but cannot bear the thoughts of leaving this inviting field without seeing an outpouring of the Holy Spirit. During the last few days the desire has been increasing until it seems as though the blessing must come. . . . And will you not ask others to pray that our dear pupils and friends may become active useful Christians?"¹²⁰ Elliot Wheeler agreed with the principal aims of the A.M.A. He visualized his job as "work . . . to try to build conscience, to teach [freedmen] their personal responsibility to God." He devoted half an hour every morning "in religious experience" to "cultivate a spirit of devotion."¹²¹ Miss Mary Wells enthusiastically penned, "I have thought of nothing but building Christianity . . . I can think of nothing but the salvation of these precious souls."¹²²

Yet to characterize missionary workers in Alabama as "mere religious fanatics," religious lunatics, people zealous beyond the point of reason, is an oversimplification. The strong

¹¹⁷Sarah A. Jenness to Edward Smith, Eufaula, Alabama, Sept. 20, 1867, AMA MSS.

¹¹⁸Elliot Whipple to Edward Smith, LaFayette, Alabama, June 17, 1867; July 18, 1867; AMA MSS.

¹¹⁹John Silsby to George Whipple, Secretary, A.M.A., Montgomery, Sept. 14, 1866, AMA MSS.

¹²⁰Eliza Ager to Mr. Pike, Montgomery, June 23, 1867, AMA MSS.

¹²¹Elliot Wheeler to Edward Smith, Selma, Alabama, June 4, 1868, AMA MSS.

¹²²*American Missionary*, XVII (March, 1873), 56.

religious motives of missionary teachers in Alabama can be seen in their correspondence, but also in their letters is an equally strong interest in practical and mundane problems. Justus N. Brown, a man of vision and insight, taught at Talladega for two years. His correspondence details his efforts to build schools, place fences, dig wells, cut timber, barter with furniture companies, and teach a class of fifty freedmen. Brown disclosed his attitude toward missionary work when he wrote, "I can get the students to do the work and so help them."¹²³ Neither his actions nor the letters that he sent to the home office indicate he "thought of nothing but the salvation of souls." His attitude was less paternalistic than to "help the Freedman help himself." Henry E. Brown, no relation to his colleague, taught at Talladega for eight years. His correspondence describes building houses for Negroes, organizing the first "teacher" school in Alabama, and scouring the immediate area for possible normal school students. His attitude, like his co-worker, emphasized improvement through self uplift.¹²⁴ "I want them [the freedmen] to get just as much of books as they can," he advised Erastus M. Cravath, "and to get in addition an idea, a willingness, yea a desire to do anything they can by way of self support."¹²⁵

The statements of both Browns indicate more practicality than piety. Yet, the two are not necessarily incompatible, and their religious motivation was probably strong. However, in the nineteenth century, the latter would be expected and does not constitute religious fanaticism. That missionaries were concerned with rectifying unfavorable conditions through self uplift in the Negro community—a definition for social reform much like that espoused by Jane Addams at Hull House in 1910—is more important than their religious "fanaticism."

Along with establishing churches and temperance societies, A.M.A. representatives became active in economic schemes to

¹²³Justus N. Brown to Erastus Cravath, Talladega, Alabama, Sept. 29, 1870, AMA MSS.

¹²⁴A.M.A., *Annual Report*, XXVII, 27-29.

¹²⁵Henry E. Brown to Erastus Cravath, Talladega, Alabama, Jan. 20, 1874, AMA MSS.

aid the Freedmen. In Talladega, H. Brown petitioned R. Rasney, Superintendent of the Selma, Rome and Dalton Railroad, to aid normal school students. Mr. Rasney not only employed Negro teachers as part time clerks to provide them with an income, but cooperated in building a church and a school house, and provided passes for "colored teachers" and "travelling missionaries." Mr. Brown later reminisced, "I wish I had more railroad and business-men here interested in aiding the Freedmen."¹²⁶ Further, Brown erected a number of dwelling in the Negro community. Each summer he obtained lumber from Chattanooga and with laborers from the congregation constructed "one room frame structures." Upon completion he sold them at a low cost to freedmen. One missionary began a clothing store for Negroes in Talladega. Justus Brown wrote to Rev. Cravath of the need for "some means of furnishing steady and lucrative employment to young [black] men."¹²⁷ He argued that a clothing store would require a small amount of capital—the cost of a sewing machine and cloth—and there would be a ready market. "Farmers come here to sell provisions for 20 miles around," Brown explained, "they need clothing as colored people don't sew much, I believe." By April, 1871, the store contained a number of sewing machines and had Negro employees.¹²⁸ In Montgomery, Thomas C. Steward speculated in state bonds to provide funds for the A.M.A. in Alabama. He telegraphed E. M. Cravath on May 24, 1872, "Shall I sell the state bonds(-) . . . telegraph immedy [*sic*]."¹²⁹ Later, referring to the same investment, he wrote, "there is no possible chance to dispose of state money for more than 80¢ and it is the opinion of the best men here that it will not be better until the State Legislature convenes in November. . . . If you can carry them it will be best to wait."¹³⁰ He also purchased three and one half acres in Marion in order "to sell off the land" when the price was right.¹³¹ Whatever the results of these two

¹²⁶Henry Brown to Edward Smith, Talladega, Nov. 1, 1871, AMA MSS.

¹²⁷Justus N. Brown to Erastus Cravath, Talladega, Ala., Oct. 10, 1870, AMA MSS.

¹²⁸*Ibid.*; Albert A. Safford to Erastus Cravath, Talladega, April 8, 1871; Nov. 16, 1871.

¹²⁹Telegram, Thomas C. Steward to Cravath, May 24, 1872, AMA MSS.

¹³⁰Thomas C. Steward to Erastus Cravath, Montgomery, Alabama, May 25, 1872, AMA MSS.

¹³¹*Ibid.*, Dec. 4, 1871.

transactions, their purpose is clear — to aid the freedmen through finance and real estate speculation.

Northern missionaries, along with initiating economic enterprises, also took an active part in Negro journalism. John Silsby, formerly of the Siam Mission, became the first editor of the *Nationalist*, for a time the only Negro newspaper in the state of Alabama. He accepted the editorship in December, 1865, after a group of "colored people" in Mobile had purchased a press and outfitted a printing office.¹³² In a letter, worth quoting in extent, Silsby describes the situation in Alabama and his relationship with the newspaper.

"An effort has been inaugurated at Mobile to establish a newspaper there elevated to the interests of loyalty and freedom. You are no doubt aware that all the newspapers in this state are bitterly opposed to the cause of the freedman and give all their energy to discourage him and his friends, and close the columns against everything in defense of that cause. The colored people believe they must have a paper. . . . They have consequently formed in Mobile a 'newspaper society,' have purchased a press, and the other means of outfit for a printing office, and at their

¹³² John Silsby to George Whipple, Mobile, Ala., Dec. 2, 1865, AMA MSS. The founding of the *Nationalist* was only one example of Negro self help in Alabama. At Mount Moriah, six miles from Montgomery, a colored man by the name of Edward Moore constructed a log schoolhouse at his own expense, on his own property, and taught over fifty pupils in a school entirely supported by freedmen. B. S. Turner, a successful businessman in Selma, contributed generously to schools for his own race. Freedmen built and maintained schools in Eufaula, Montgomery, Talladega, Franklin, Huntsville, Mobile and many other locations. The *Nation* estimated most of the six hundred Negro students in Mobile were self-supporting. The scholars bought their own books, clothes, and paid the salaries of two teachers out of eight. At the same time Wager Swayne mentioned "colored teachers [had] charge as principals of schools at Troy, Wetumpka, Home Colony, and Tuscaloosa."

Alvord, *Report*, Jan. 1, 1868, 32; Charles Wheeler to Edward Smith, Eufaula, Dec. 1, 1868, AMA MSS; John Silsby to George Whipple, Montgomery, Sept. 14, 1866, AMA MSS; The *American Missionary*, XIV (Aug. 1870), 174; The *Nation*, II (Feb. 1866), 209; Senate Executive Documents, 39 Cong., 2 sess., Dec. 6, 12n. Report of Assistant Commissioner of BRFAI, Wager Swayne to War Dept., Jan., 31, 1866.

solicitation I have consented to undertake the editorship of their paper."¹³³

The first running of the press printed the "terms" of the *Nationalist*. The paper advocated "radicalism" that required equal and exact justice to all men irrespective of color, free elections, and a "faith in the capacity of the colored race."¹³⁴ Silsby undertook the editorship and immediately called upon the A.M.A. for assistance.¹³⁵ Though he was able to remain with the paper for only a few months and large scale aid was not forthcoming, by 1866 the paper had a circulation of 1200, a full time agent in the field, and advertised for Montgomery as well as Mobile and the surrounding area.¹³⁶

The letters of missionaries in Alabama during Reconstruction, hitherto unavailable to historians, indicate that the results of missionary societies' efforts to educate Negroes were not "wholly bad." On the contrary, A.M.A. teachers started schools for Negroes in a region where no institutions of learning for freedmen had previously existed. Thousands of blacks learned to read and write and many advanced to "higher branches" only with the assistance of Northern philanthropy. Missionaries instituted normal courses and sent teachers to remote districts, who in turn established schools. The evidence also shows that Northern missionaries were concerned with improving conditions that caused ignorance and poverty. Besides distributing supplies of clothing and food to the destitute, they edited black newspapers, started Negro businesses and initiated building programs for improving housing, schools and churches. Most significantly, many in their ranks, Justus and Henry Brown in particular, generated an enthusiasm for self help and uplift among recently emancipated slaves that transcended the decade of Reconstruction. By 1875, poverty still existed in Alabama and only one in eight Negroes between the ages of six and sixteen attended school, but far from being a "permanent influ-

¹³³ John Silsby to George Whipple, Montgomery, Ala., Nov. 2, 1865, AMA MSS.

¹³⁴ *Nationalist*, Oct. 16, 1865, AMA MSS.

¹³⁵ John Silsby to George Whipple, Montgomery, Nov. 2, 1865, AMA MSS.

¹³⁶ *Ibid.*, Dec. 2, 1865.

ence for evil" Northern philanthropy laid the foundations for Negro education and self-improvement upon which later generations would have to build.

THE FREEDMEN AND THE LABOR SUPPLY: THE
ECONOMIC ADJUSTMENTS IN POST-BELLUM ALABAMA,
1865-1867

by

John B. Myers

One of the most urgent problems which confronted post-Civil War Alabama was labor. (Negro slavery had been the foundation of labor in the state and emancipation necessitated the creation of a new labor system.) Many white Alabamians, skeptical of free Negro labor, viewed the future pessimistically. (Disgruntled whites claimed that the country was ruined and that their prosperity had expired along with institutional slavery.) Whites felt blacks would not work without compulsion. Alabama citizens were disgruntled because as one man put it, "A free Nigger ain't going to work from before sunrise until nine o'clock at night and a white man cannot stand it."¹ A Marengo County planter complained, "The trouble with freedmen is that they have not yet learned that living is expensive."² After failing to get any cooperation from his former slaves, a frustrated Alabamian said, "I wish the Yanks had the free Negro strung around their necks and all in the bottom of the Arctic Ocean covered with ice one-hundred feet thick."³ In Union Springs, Alabama, planters tried to control their labor supply by deceiving the blacks. C. W. Buckley, a Freedman's Bureau agent, heard reports of planters warning blacks to return to work because the government had revoked the Emancipation Proclamation.⁴

Some whites took a more realistic view of the labor situation. After losing 190 slaves, one gentleman decided that

¹John T. Trowbridge, *The South: A Tour of Its Battlefields and Ruined Cities* (Hartford, 1967), 423-424; hereafter cited as *The South: A Tour*. Allan Nevins, *Emergence of Modern America, 1865-1877* (New York, 1927), 9; Carl Schurz, "Can the South Solve the Negro Problem?" *McClure's Magazine*, XXII (January, 1904), 260.

²Trowbridge, *The South: A Tour*, 423-424.

³Joshua Burns Moore Diary (typescript), June 3, 1866, Alabama Department of Archives and History, Montgomery, Alabama.

⁴Huntsville *Daily Independent*, January 16, 1866.

since they were free it was best to encourage them to be good citizens. He explained that the two ways to make a man work were encouraging and driving. "The first has been played out so I favor the latter."⁵ An individual from Monroe County was an example of the relatively hopeful class. He admitted that the South had to begin anew and he urged southern men to take courage and restore the South to even greater prosperity. "When it is said that the free nigger would not work," he contended, "the trouble is with them that make the complaint and not the niggers."⁶

— Some planters formed agricultural associations to cope with the labor problem. In the summer of 1865 the Agricultural Association of Monroe County announced that it was their duty to "protect and preserve the colored population of the county by furnishing them employment and administering to their wants and needs." Every planter in the county who proposed to employ freedmen was eligible for membership. The aims of the organization were supposed to be beneficial to both employer and employee. Garland Goode, the organization's president, was later appointed superintendent of the Freedmen's Bureau for Monroe County.⁷

Though the Negroes' reluctance to work had been exaggerated, they were hesitant to sign long-term contracts. Rumor indicated that former slaves would receive land from the government. Why would they work for paltry wages when they might have farms of their own? Furthermore, they were fearful of being re-enslaved. In Marengo County a former bondsman when asked by his former master to sign a contract replied, "They say if we make contracts we will be branded and made slaves again."⁸ The Negro expected freedom to bring change. The contract system seemed to be a resumption of old ways. It

⁵New York Times, March 26, 1866.

⁶Trowbridge, *The South: A Tour*, 430.

⁷W. Swayne to G. Goode, December 2, 1865, Lewis E. Parsons Personal Papers, Alabama Department of Archives and History, Montgomery, Alabama; *Mobile Weekly Advertiser*, January 20, 1866.

⁸Trowbridge, *The South: A Tour*, 424; Nevins, *Emergence of Modern America*, 9-10.

gave planters their former rights of determining the rules by which their laborers were to work and live. Freedmen were suspicious of a system that permitted their former masters to "exact" their labor.⁹

The task of resolving the labor problems fell upon the Freedmen's Bureau. This was one question on which President Johnson and the Bureau agreed. Johnson realized that the South needed labor and that the freedmen required employment, but he also recognized that "the freedman cannot be fairly accused of unwillingness to work so long as doubt remains about his freedom of employment and wages."¹⁰ By restoring prosperous, compatible relations between capital and labor the Freedmen's Bureau hoped to enhance the blacks' economic conditions and hasten the integration of freedmen into white society. Oliver O. Howard authorized assistant commissioners to introduce practical systems of labor and to resolve the differences arising between Negroes and whites.¹¹

The assistant commissioner of the Bureau in Alabama, Wager Swayne, recognized that he faced a grim task. Swayne prescribed rules and regulations for contracts between employers and employees. He instructed state agents to issue labor regulations in their respective areas. Swayne required contracts for more than thirty days to be written, and agents were authorized to examine and explain the terms of contracts to freedmen. Contracts for less than a month required only a verbal agreement. Parties were permitted to make advantageous contracts but not at the expense of the freedmen's ignorance. Employers had to recognize the former slaves freedom as well as equality before the law. If a freedman had a contract grievance he sought redress from a Justice of the Peace who acted as a Bureau

⁹William S. McFeely, *Yankee Stepfather: General O. O. Howard and the Freedmen* (New Haven, 1968), 152-154.

¹⁰James D. Richardson, *A Compilation of Messages and Papers of the Presidents, 1789-1902* (New York, 1903), VI, 360.

¹¹Elizabeth Bethel, "Freedmen's Bureau in Alabama," *Journal of Southern History*, XIV (February, 1948), 49-50; U. S. Congress, *Senate Executive Documents*, 39th Congress, 2nd Session, No. 6, 4.

agent and who was required to admit Negro testimony.¹²

The Bureau often protected freedmen from exploitation by planters but sometimes it seemed to be a greater friend to planters than to Negroes. Freedmen were compelled to work. Negroes who loitered in the towns and countryside without means of support were prosecuted for vagrancy. General Charles R. Woods, commander of the Department of Alabama, prohibited loitering and indolent freedmen from remaining in the garrisons unless they were legitimately employed. A planter could charge an employee with vagrancy if he was absent from labor, without good reason, for more than one day or longer than three days in a month. By use of such coercive measures, the Bureau hoped to compel freedmen to agree to contracts and settle down to work.¹³

Though the Bureau forced able-bodied freedmen to work, they took precautions to prevent old and infirm Negroes from being prosecuted for vagrancy. Regulations required former masters to care for such freedmen until the civil authorities made provisions for them. Negroes who would not work for wages or abide by contracts were confined to home colonies. The Bureau urged other freedmen who were unable to find work to come to the colonies to obtain food, shelter, and medical attention. The Bureau rehabilitated some of these freedmen and transported them to areas where they could secure employment.¹⁴

The Freedmen's Bureau did not require a fixed amount of wages to be prescribed in the contracts, but written agreements had to guarantee the necessities of life to employees. Employers were usually obligated to furnish food, shelter, clothing, and

¹²Huntsville *Daily Independent*, January 31, 1866; Grove Hill *Clarke County Journal*, September 14, 1865; W. Swayne to L. E. Parsons, October 31, 1866, Lewis E. Parsons Personal Papers.

¹³Selma *Daily Times*, August 30, 1865; George R. Bentley, *History of Freedmen's Bureau* (Philadelphia, 1955), 84-85; Bethel, "Freedmen's Bureau in Alabama," *Journal of Southern History*, XIV (February, 1948), 54.

¹⁴E. Merton Coulter, *The South During Reconstruction, 1865-1877* (Baton Rouge, Louisiana, 1947), 72; Grove Hill *Clarke County Journal*, January 22, 1865; Chicago *Tribune*, August 28, 1865.

medical attention for employees and their families. The ordinary rate of compensation for field work was ten or twelve dollars a month for men and six to ten dollars a month for women. For domestic work the salary was generally higher.¹⁵ For a yearly wage contract the employer usually paid half wages on either August 1st or October 1st and the rest on January 1st. A violation of a contract by an employee resulted in the forfeiture of all wages. Furthermore, employers deducted from freedmen's wages for time lost due to illness, refusal to work, careless breakage of tools, willful destruction of property and abuse of stock. Due to the employer's discretionary deductions, many freedmen received no wages at the end of the year but instead were indebted to the planter. Such situations frequently bound Negro laborers to the planters.¹⁶

In Alabama the problem of free labor was increased by the state's general poverty. The lack of available capital necessitated the use of the share-crop system. Crop sharing was adopted in Alabama as early as 1865 and was welcomed by former slaves.¹⁷ Freedmen received shelter, food, and clothing, and agreed to work for a share of the gathered crop, usually one third. In some cases freedmen provided their own food and divided the crop equally. On several plantations the planters arranged a certificate system for employees. Freedmen purchased goods on credit in anticipation of paying their certificate debts when the crop was harvested. At the end of the year employees frequently were unable to cancel their certificate purchases, particularly when the crops failed. This was the beginning of a system of virtual peonage which kept the freedmen in debt and tied them to the land.¹⁸

Industrious white planters welcomed Swayne's labor pro-

¹⁵W. Swayne to L. E. Parsons, October 31, 1866, Lewis E. Parsons Personal Papers.

¹⁶Grove Hill *Clarke County Journal*, September 14, 1865; R. Stratford to R. Talifero, November 1, 1866, Robert M. Patton Papers, Alabama Department of Archives and History, Montgomery, Alabama.

¹⁷U. B. Phillips, "Plantations with Slave Labor and Free," *American Historical Review*, XXX (July, 1925), 749.

¹⁸General Josiah Gorgas Diary (typescript), December, n.d., 1866, Alabama Department of Archives and History, Montgomery, Alabama; John Richard Dennett, *The South As It Is*, edited by Henry M. Christman (New York, 1965), 291-93.

grams. They anticipated a flooded labor market since Swayne appeared willing to coerce all idle freedmen to work. The assistant commissioner urged freedmen to forget about rumors of parcelled-out land. He warned them to "hope for nothing, but go work and behave yourselves."¹⁹

After January 1, 1866, when it became obvious that they would not be given land, more Alabama freedmen began to agree to contract terms and by February, most had gone back to work. The Freedmen's Bureau played a vital role by relocating freedmen in areas where labor was needed.²⁰ Some planters acquired laborers in devious manners. One planter turned 400 hogs into his fields. Freedmen that came by saw the hogs, stopped, and in a week he had all the necessary laborers. Other employers filled their quotas by paying the fines of freedmen on the chain gang or by bailing them out of jails.²¹

According to reports from various sections of Alabama there were few idle freedmen remaining in the towns in 1866. When employers offered fair wages they had little trouble getting workers. A Montgomery newspaper reported that the freedmen made contracts and left town. The Wilcox *Times* noticed that there were not one-fifth as many freedmen in Camden, the county seat, since they made contracts.²²

Evidence indicated that freedmen's general response to work in 1866 was commendable. A northern newspaper correspondent, traveling through Alabama in 1866, found most blacks at work and said, "whites seemed reconciled that blacks would work as free labor."²³ C. W. Buckley noticed a growing confidence among Lowndes County planters in their ability to make a crop with free Negro labor. Men who told him a year ago that freed-

¹⁹Jacksonville *Times Union*, October 15, 1865; Grove Hill *Clarke County Journal*, September 14, 1865; Bentley, *History of the Freedmen's Bureau*, 111-112.

²⁰U. S. Congress, *House Executive Documents*, 39th Congress, 2nd Session, No. 1, 709; Bentley, *History of the Freedmen's Bureau*, 85.

²¹Trowbridge, *The South: A Tour*, 448.

²²Moulton *Christian Herald*, March 9, 1866; Grove Hill *Clarke County Journal*, January 17, 1866; Montgomery *Daily Advertiser*, June 16, 1866.

men would not work without compulsion "told me this week that the Negroes have never worked better."²¹

News of freedmen at work and optimistic predictions of good crops circulated throughout Alabama in 1866. When asked the prospect of the coming crop, an old woman replied, "If the niggers keep on as they have done begun, there will be a large quantity of corn and cotton raised."²⁵ Freedmen were reportedly hard at work in Tuscaloosa, Mobile, and Perry Counties. Mobile freedmen found work in the city as well as on the plantations. In Tuskegee and Union Springs the freedmen discharged their duties faithfully on profitably managed farms. In Randolph County whites accused blacks of not working, but evidence indicated these charges were false. Throughout Alabama in 1866, the freedmen displayed a commendable spirit and behaved themselves as well as whites.²⁶ Even the Alabama legislators concurred that the freedmen had made contracts and were hard at work. They urged Negroes to continue as laborers and to put "politics and the thought of social equality" out of their minds.²⁷

Unfortunately not all white Alabamians accepted the freedmen's agreement to contract and willingness to work as a gesture of good faith. In Montgomery a planter charged that freedmen made contracts and work out of habit and "have little notion of the obligation the agreement imposed upon them."²⁸ Some planters ignored the contract terms at the expense of

²³Chicago *Tribune*, May 25, 1866; New York *Times*, March 26, 1866.

²⁴U. S. Congress, *House Executive Documents*, 39th Congress, 1st Session, No. 72, 292.

²⁵New York *Times*, March 26, 1866.

²⁶Marion *Commonwealth*, July 19, 1866; Stanley Hoole, ed., "The Diary of Basil Manly, 1857-1867," *Alabama Review*, V (April, 1952), 142; Whitelaw Reid, *After the War: A Tour of Southern States, 1865-1866* (London, 1866), 222; hereafter cited as *After the War: A Tour*. Chicago *Tribune*, May 13, 1866; Union Springs *Times*, March 21, 1866; Montgomery *Daily Post*, July 3, 1866; U. S. Congress, *House Reports*, 39th Congress, 1st Session, No. 30, 10.

²⁷Alabama, *Journal of the House of Representatives*, 1865, 24-25; Walter L. Fleming, *Sequel of Appomattox* (New Haven, 1921), 110.

²⁸J. Sanford to Parents, February 25, 1866, John W. A. Sanford, Jr. Papers, Alabama Department of Archives and History, Montgomery, Alabama.

Negro employees. At the end of 1866 reports from the Bureau sub-districts disclosed cases of employers refusing to pay wages. The failure of the crops had much to do with it but there was a general inclination to regard the blacks as fair targets for fraud. Some planters adopted "frivolous pretexts" and offensive methods to drive laborers off the plantation which resulted in the forfeiture of their wages. Swayne informed O. O. Howard that freedmen were being driven away when the crop was made. A newspaper correspondent attending court proceedings in Huntsville heard freedmen charge employers with failure to pay wages for rendered services.²⁹

In February, 1866, Governor Patton recognized that freedmen suffered abuse under the share-crop plan. "Their masters," he said, "withhold under one flimsy pretext or another their freedmen's proper claims to the crops." Tuscaloosa County planters formed combinations and refused to give the freedmen more than one-eighth of the crop. The credit system and devious designs of planters prevented many freedmen from receiving their share of the harvest.³⁰

To some whites the thought of free Negro labor was repulsive. They stubbornly refused to hire freedmen and sought to supplant free Negro with white immigrant labor. A self-proclaimed authority in Mobile assured planters that once white labor was brought into the country production would increase.³¹ Companies were formed in Alabama to import Chinese "coolies" and European immigrants as a labor supply. Dillard, McMinn and Company, a white labor agency in Montgomery, offered to furnish white immigrant labor of any quantity and of any

²⁹U. S. Congress, *House Executive Documents*, 40th Congress, 2nd Session, No. 1, 679; W. Swayne to L. E. Parsons, September 30, 1867, Lewis E. Parsons Personal Papers; W. Swayne to O. O. Howard, August 23, 1866, Oliver Otis Howard Papers, Hawthorne-Longfellow Library, Bowdoin College, Brunswick, Maine; *Chicago Tribune*, August 28, 1866.

³⁰DuBose, *Alabama's Tragic Decade: Ten Years of Alabama, 1865-1875*, edited by James K. Greer (Birmingham, 1940), 69; U. S. Congress, *House Reports*, 39th Congress, 1st Session, No. 30, 8-9.

³¹J. C. Nott, "Climates of the South in Their Relations to White Labor," *DeBow's Review* (New Series), I (February, 1866), 167. Nott was a physician and author of several articles on slavery and the Negro.

nativity. Their rates upon delivery were as follows: men, \$150.00 per year; women, \$100.00 per year; children, \$50.00 per year; and house servants, \$15.00 per month.³²

Alabama planters thought either German or Chinese labor would be the best replacements. They considered the Chinese "solemn, industrious, intelligent, and docile." "What is even better," exhorted a Mobile resident, "they are utterly destitute of political ambition and their interest in government is limited to a desire to lead a quiet life and be left alone."³³ The Freedmen's Bureau reported that cooperative groups of planters tried to underbid the Negro by hiring German immigrants at wages so low that freedmen could not survive. There were few examples of planters successfully utilizing white labor. In Choctaw County, Robert Littlepage hired twenty to thirty immigrants to work on his plantation. After a month's trial he claimed to be satisfied. Other planters did not care for what they considered the arrogant attitude of some white laborers.³⁴

The Alabama experiment with white immigrant labor had only limited success for several reasons. Most of the European immigrants arrived in northeastern ports and remained with their relatives living in the North and Midwest. Chinese labor was less abundant and the cost of transportation was high. Alabamians had a mistaken impression of what a European or Asian immigrant sought. They wanted him to take the place of the Negro, living in the same cabins, working the same hours, and eating the same food. These conditions, which the immigrants had no desire to endure, along with the hot southern climate repelled many potential white laborers. After the failure with immigrant labor white Alabamians were forced to accept the Negroes as the mainstay of labor unless they contemplated working the land themselves.³⁵

³²*Congressional Globe*, 39th Congress, 1st Session, Part I, 94; *Selma Morning Times*, December 11, 1865.

³³*Mobile Weekly Advertiser*, October 27, 1866; *Mobile Evening Tribune*, December 7, 1866.

³⁴*Mobile Daily Advertiser and Register*, December 3, 1866; *Butler Choctaw Herald*, February 9, 1867.

³⁵Coulter, *South During Reconstruction, 1865-1877*, Dr. Wren to O. O. Howard, December 11, 1865, Oliver Otis Howard Papers; Reid, *After the War: A Tour*, 372, 373.

The Alabama crops of 1865 and 1866 were not successful and created hardships for both whites and blacks. Due to unsettled conditions and the late release of Alabamians from the Confederate Army, the planted crop of 1865 was small. Most of what was planted was virtually ruined by a drought. In 1866 adverse weather and ravages of the cotton worm destroyed much of the cotton and corn.³⁶ To make matters worse, the market price for agricultural produce fell to half the anticipated level. As a result of the poor harvest and low prices, Negroes and whites had little money to obtain food and clothing. These economic hardships caused some white Alabamians to question the practicality of the free labor system.³⁷

By 1867 the economic situation of the freedmen had been altered considerably. They had demonstrated their reliability as free laborers. Unfortunately their display of good faith was marred by poor crops in 1865 and 1866, by white and black lack of experience with the wage system, and by the prevalence of Alabama's destitution.

The freedmen were still not completely self-sufficient or integrated into the economic and social structure of white Alabama. But the former slaves continued to pursue the standards which they identified with freedom. Freedmen needed guidance and assistance to continue their transition from slavery to freedom.

³⁶Bethel, "Freedmen's Bureau in Alabama," *Journal of Southern History*, XIV (February, 1948), 59; Moore, *History of Alabama*, 458; Oliver Otis Howard, *Autobiography of O. O. Howard*, (New York, 1907), II, 249.

³⁷U. S. Congress, *House Executive Documents*, 39th Congress, 2nd Session, No. 1, 742; *Tuscaloosa Observer*, June 9, 1866.

POPULISM IN ALABAMA: REUBEN F. KOLB AND THE APPEALS TO MINORITY GROUPS

by

Leah R. Atkins

One of the most controversial aspects of Populist historiography is the question of Populist appeals to and attitudes toward minority groups, especially Jews and Negroes. During the 1950's historians began to challenge the older sympathetic view of Populism and to re-interpret the movement. The Populist was no longer a poor down-trodden, much-maligned farmer, but was now an irresponsible anti-Semitic agrarian with delusions of persecution and secret conspiracies.¹ The charge of anti-Semitism can best be found in the works of Oscar Handlin and Richard Hofstadter. These historians suggested that Populist imagery of the Jew provided the base for later American anti-Semitism.² Norman Pollack and Walter T. K. Nugent studied Mid- Western Populism and refuted these charges.³ John Higham believes the charges have been overstated⁴ and C. Vann Woodward, while not excusing or dismissing Populist anti-Semitism, feels that this was more a characteristic of the urban poor, and that the positive aspects of the Populist heritage should be emphasized.⁵

The position of the Negro in the Populist Revolt has not been analyzed as extensively as the position of the Jew. Wood-

¹Richard Hofstadter, *The Age of Reform: From Bryan to F. D. R.* (New York: Vintage Books, Random House, 1955), 77-78. Hereafter cited as Hofstadter, *Age of Reform*.

²*Ibid.*, 80. See also Oscar Handlin, "American Views of the Jew at the Opening of the Twentieth Century," *Publications of the American Jewish Historical Society*, XL (1951), cited in Oscar Handlin, "Reconsidering the Populists," *Agricultural History*, XXXIX (April, 1965), 69.

³Norman Pollack, "The Myth of Populist Anti-Semitism," *American Historical Review*, LXVIII (October, 1962), 76-80; Walter T. K. Nugent, *The Tolerant Populists* (Chicago: University of Chicago Press, 1963), 231, 234-235.

⁴John Higham, "Anti-Semitism in the Gilded Age," *Mississippi Valley Historical Review*, XLIII (March, 1957), 559-578.

⁵C. Vann Woodward, "The Populist Heritage and the Intellectual," *The American Scholar*, XXIX (1960), 55-72.

ward feels that during the Populist period Negroes and whites came closer to achieving a "comity of mind and harmony of political purpose than ever before or since in the South,"⁷ and Hofstadter commends Southern Populist leaders for attempting "to build a popular movement that would cut across the old barriers of race."⁸ Pollack believes that there "is still not sufficient evidence to indicate whether Populists enlisted the support of Negroes in order to use them to get elected or whether such support was founded on a genuine desire to extend a hand of friendship and justice for its own sake."⁹ The collapse of Populism was tragic according to Jack Abramowitz, for it ended all opportunity of "producing a truly emancipated South" with the end of "hostility and suspicion between Negroes and whites."¹⁰ The most recent treatment concluded that the Populist period "marked a potentially significant development in Southern history" and Negro-white relations.¹⁰

The analysis of Populist anti-Semitism has been primarily from a Mid-western point-of-view, and those who have analyzed the Negroes' part in the Populist period have not adequately considered Populism in Alabama. To what extent then does the Populist activity in Alabama affirm or contradict the various interpretations? What were the appeals of Alabama Populists to minority groups? And do the Alabama Populists deserve any credit for racial liberalism?

Alabama politics of the 1890's is a "tangled skein . . . almost beyond belief."¹¹ The Populist movement in Alabama involved four distinct groups. The Jeffersonian-Democrats were the result of a factional dispute within the Democratic party.

⁶C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1966), 64.

⁷Hofstadter, *Age of Reform*, 61.

⁸Norman Pollack, ed., *The Populist Mind* (Indianapolis: Bobbs-Merrill, Company, 1967), 359.

⁹Jack Abramowitz, "The Negro in the Populist Movement," *The Journal of Negro History*, XXXVIII (July, 1953), 288.

¹⁰Robert Saunders, "Southern Populists and the Negro," *The Journal of Negro History*, LIV (July, 1969), 257.

¹¹Hugh C. Bailey, *Liberalism in the New South: Southern Social Reformers and the Progressive Movement* (Coral Gables: University of Miami Press, 1969), 57.

The true third party Populists were small in number and influence but kept a separate organization while closely cooperating with the Jeffersonian-Democrats. The Black and Tans, the Negro wing, and the Lilly-Whites, the white wing, of the Republican party, were involved in their own party battle; but generally these factions failed to put out a state ticket and supported the Jeffersonian-Democratic-Populist candidates. These four groups represented the reform element in Alabama and provided the political opposition to the regular entrenched Bourbon Democrats from 1890 to 1896.

The foremost leader of the reformers in Alabama was Reuben Francis Kolb, who had all the credentials for a successful political career in Alabama. He was born into a politically prominent Barbour County family. He had an excellent Civil War record.¹² Reconstruction offered Kolb another political laurel as he appeared in the role of active "redeemer."¹³ In re-building his plantation near Eufaula, Kolb first planted cotton, but the fall of cotton prices forced him to diversify his crops. He experimented with pecans, peaches, pears, and cucumbers and developed the "Kolb Gem" watermelon which became famous throughout the South.¹⁴ Kolb was a member of the Grange, was elected president of the national Farmers' Congress in 1887, and was appointed Alabama Commissioner of Agriculture where his political future began to develop.¹⁵

From the start of his appointment in 1887, Kolb seemed to be running for governor. He initiated a program of farmer's institutes and he personally traveled all over the state speaking to farm groups about good agricultural practices. He won many friends and probably knew more people by name

¹²Charles Grayson Summersell, "Kolb and the Populist Revolt as Viewed by Newspapers," *Alabama Historical Quarterly*, XIX (Fall & Winter, 1957), 377.

¹³Ruth Stodghill Cammack, "Reuben Francis Kolb: His Influence on Agriculture in Alabama," (unpublished Master's thesis, Auburn University, 1941), 4. Hereafter cited as Cammack, "Kolb."

¹⁴Reuben F. Kolb to John W. Dubose, July 7, 1888, John W. DuBose Papers, Alabama Department of Archives and History, Montgomery, Alabama. Hereafter cited as ADAH.

¹⁵William Warren Rogers, "Reuben F. Kolb: Agricultural Leader of the New South," *Agricultural History*, XXXII (April, 1958), 112, 115.

than any other man in Alabama. In August, 1889, the Alabama Farmer's Alliance convention endorsed Kolb for governor,¹⁶ thus making a "definite plunge . . . into politics,"¹⁷ which caused the Alliance to lose considerable support.¹⁸ Kolb attended the national Alliance convention in St. Louis in December and announced his official candidacy for governor on his return to Alabama. In answer to questions about the political resolutions of the convention, Kolb insisted that he was a Democrat and denied that there was a third party move in the St. Louis platform.¹⁹

Kolb first attempted to gain the Democratic nomination for governor, which in Alabama was tantamount to election. He was the strongest of four candidates, and at the Democratic State Convention he held the lead for thirty-three ballots.²⁰ The established politicians feared Kolb because he represented the farmer-dissident groups. After an all-night meeting the other candidates compromised on Thomas Goode Jones in order to prevent Kolb from getting the nomination.²¹ Kolb graciously withdrew his name, pledged his loyalty to the Democracy and white supremacy, and promised to campaign for Jones.²² The Greenback Labor party offered Kolb their nomination for gov-

¹⁶Albert Burton Moore, *History of Alabama* (Tuscaloosa: Alabama Book Store, 1951), 605.

¹⁷John B. Clark, *Populism in Alabama* (Auburn: Auburn Printing Company, 1927), 84. Hereafter cited as Clark, *Populism*.

¹⁸John Tyler Morgan, "The Dangers of the Farmers' Alliance," *Forum*, XII (November, 1891), 388-409.

¹⁹Clark, *Populism*, 90.

²⁰Malcolm Cook McMillan, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro and Sectionalism*, Vol. XXXVII of *The James Sprunt Studies in History and Political Science*, (Chapel Hill: University of North Carolina Press, 1955), 228. Hereafter cited as McMillan, *Constitutional Development*.

²¹Sheldon Hackney, *Populism to Progressivism in Alabama* (Princeton, New Jersey: Princeton University Press, 1969), 16. Hereafter cited as Hackney, *Populism*.

²²Kolb Scrapbook, undated clippings from the *Tuscaloosa Times*, *Atlanta Journal*, *Birmingham Age-Herald*, *Selma Alabama Mirror*, *Piedmont Post*, and others. See also Thomas Goode Jones, "The 1890-92 Campaigns for Governor of Alabama," *Alabama Historical Quarterly*, XX (Winter, 1958), 663. Hereafter cited as Jones, "Campaign."

error, but he "wired a peremptory refusal."²¹

For the next two years the alliance wing of the Democratic party refused to acknowledge any connection with the People's party, and Kolb continued to express his devotion to the Democracy.²⁴ But the gross irregularities in the convention-delegate elections embittered Kolb and he severely denounced Jones. Again in 1892 Kolb tried to capture the Democratic nomination, and again he lost in delegate elections tainted with fraud.²⁵ The State Democratic executive committee ruled in favor of more Jones than Kolb delegates in disputed elections. Kolb realized that he could not be nominated by the convention and he proposed that the nomination be made a statewide white Democratic primary. The Jones faction refused the offer. It was obvious that the Democrats depended on the controlled Negro vote and were unwilling to meet the Populists on their terms²⁶

Possibly with time and patience Kolb could have been elected governor on the regular Democratic ticket. No doubt his association with national farm reform groups and the organization nationally of the People's party influenced Kolb's course in Alabama politics. With his second failure Kolb resorted to the apparatus of a third party, which many people had long predicted he would do.²⁷ Because of the strong loyalty in Alabama to the Democratic party, Kolb knew that many of his supporters would be reluctant to follow him into third party opposition. Therefore, Kolb claimed that he represented the "true democracy," the real Jeffersonian-Democratic party.²⁸

²³Kolb Scrapbook, undated clipping, *Montgomery Advertiser*.

²⁴Abbeville *Times*, April 10, 1891; June 12, 1891; Clark, *Populism*, 116.

²⁵Charles Grayson Summersell, "The Alabama Governor's Race in 1892," *Alabama Review*, VIII (January, 1955), 16-17.

²⁶Allen Woodrow Jones, "A History of the Direct Primary in Alabama, 1840-1903," (unpublished Ph.D. dissertation, University of Alabama, 1964), 211. Hereafter cited as Jones, "Direct Primary,"; Hackney, *Populism*, 46-47.

²⁷William Warren Rogers, "Agrarianism in Alabama, 1865-1896," (unpublished Ph.D. Dissertation, University of North Carolina, 1959), 359. Hereafter cited as Rogers, "Agrarianism."

²⁸*Ibid.*, 362.

Kolb was defeated by Jones in the general election of 1892, and two years later he again lost to the regular Democratic nominee, William C. Oates. In both elections fraud, ballot box stuffing, vote buying and tally manipulations were openly evident, especially in the Black Belt counties.²⁹ During Reconstruction the Democrats had "counted-out" and controlled the Negro vote in order to redeem the state from Radical rule. In the 1890's they "counted-in" and controlled the Negro vote to build up large majorities for the Democratic candidates. The third party reform group did not control the election process, and there was no law to provide for contesting elections.³⁰ Exposing these frauds comprised the major issue in all of Kolb's campaigns.

The Democratic attack on Kolb's third party activity took several forms. The politicians assailed his personal character, accused him of various fraudulent activities, and even insulted his wife.³¹ The possibility that division of the white vote would elect Republicans or would allow Negroes to control the state government was proclaimed from the stump and the editorial page. The Democrats resurrected the days of Reconstruction and used the spectre of Negro domination to frighten reluctant whites into staying in the Democratic ranks.³² The concentration on this issue precluded any necessity for debating controversial issues of reform.³³

A much more serious development, from the Democratic view, was the open appeal which the Kolb faction made for Negro votes. Kolb's personal racial beliefs were not unorthodox for a

²⁹Robert McKee to Willis Brewer, August 7, 1892, Robert McKee Papers, ADAH; Chappel Cory to Thomas Goode Jones, August 14, 1892, Thomas Goode Jones Papers, ADAH; Hackney, *Populism*, 36. For an interesting fictional account see John H. Wallace, Jr., *The Senator From Alabama* (New York: Neale Publishing Co., 1904). See especially Chapter XIII, "The Carnival of the Ballot-Box Stuffers."

³⁰McMillan, *Constitutional Development*, 229.

³¹Montgomery *Advertiser*, January 6, March 19, 1892.

³²Butler *Choctaw Advocate*, July 13, 1892. See also Joseph C. Manning *Politics in Alabama* (privately published, 1893), 20.

³³Allen Johnston Going, *Bourbon Democracy in Alabama 1874-1890* (University, Alabama: University of Alabama Press, 1951), 211.

white southerner of the nineteenth century. He believed in "white supremacy."³⁴ He was eager for Negroes to vote for him, but he was reluctant to admit them to the party organizational level.³⁵ For instance, at the St. Louis Convention in February, 1892, the Alabama delegation had been the lone and very vocal opposition to the election of a colored delegate to the position of Assistant Secretary.³⁶ A recent writer has suggested that opposition to Kolb was motivated more because he activated "men with political and economic grievances" than because he represented a variance from racial orthodoxy.³⁷

The plank of the Jeffersonian-Democratic party platform which was designed to appeal to the Negro said:

We favor the protection of the colored race in their political rights, and should afford them encouragement and aid in the attainment of a higher civilization and citizenship, so that through the means of kindness a better understanding and more satisfactory condition may exist between the races.³⁸

A Democratic paper, the *Choctaw Advocate*, warned that after Negro voting came Negro office holders.³⁹ Kolb men were accused of promising Negroes that they would be placed on juries and appointed election officials.⁴⁰ The *Advocate* believed that since the Negro already had all the educational and religious advantages, "with all the privileges" "protected and maintained by law" which the white had, then the Populist must mean social equality by the platform.⁴¹ The paper pointed out that Kolb once bragged about "supressing Negro votes" during Reconstruction and now that the "white voters have repudiated

³⁴Cammack, "Kolb," 23.

³⁵Kolb Scrapbook; Clark, *Populism*, 152.

³⁶Montgomery *Advertiser*, February 24, 1892.

³⁷Hackney, *Populism*, 42-43.

³⁸Butler *Choctaw Advocate*, July 13, 1892.

³⁹Butler *Choctaw Advocate*, July 20, 1892.

⁴⁰Abbeville *Times*, July 27, 1894.

⁴¹Butler *Choctaw Advocate*, July 13, 1892.

him," he "turns with open arms to the race he "spurned."⁴²

In his speeches, Kolb stressed the common problems of the farmer, whether he was black or white. Local Negroes frequently spoke at Kolb rallies. The *Birmingham News* decried the fact that Kolbites at Talladega sat and listened to a Negro speak for over an hour on the duty and principles of government, and the editor asked, "Men of Alabama, whither are we drifting!"⁴³ At Greenville, Kolb used a "brass band . . . to drum up a crowd of colored voters." He was followed on the platform by a local colored man, Ike Carter. Several hours later the Democratic candidate, Jones, spoke at the Greenville courthouse. His address was also followed by speeches from local Negro leaders urging support for the Democratic ticket. So both Populists and Democrats used Negro speakers.⁴⁴

The *Montgomery Advertiser*, Kolb's bitterest critic, claimed that the "Kolbites" worked hard for the Negro votes, and that they had two Negroes, Professor Cooper and Lewis Bostick in the field to buy votes. Cooper and Bostick had "what it takes to make the mare go" and they flashed it (presumably money) openly.⁴⁵ According to the Democratic press these unlimited funds came from New York-Republican-protectionist groups who were interested in getting presidential votes for Benjamin Harrison in November.⁴⁶ The *Advertiser* referred to Kolb's "black flag of revolt," and predicted that he and his "negro vote begging" would be defeated "by the invincible white supremacy Democrats."⁴⁷

Kolb's addresses are rather mild compared to the speeches of some of his followers. The most violent of the Populist speakers was Peyton G. Bowman, a Birmingham lawyer. At a Kolb rally in Opelika in July, 1892, Bowman spoke to a group

⁴²*Ibid.*, July 20, 1892.

⁴³Butler *Choctaw Advocate*, July 27, 1892, quoting *Birmingham News*.

⁴⁴Greenville *Advocate*, July 27, 1892.

⁴⁵Montgomery *Advertiser*, June 29, 1892.

⁴⁶Butler *Choctaw Advocate*, July 13, 1892; See also Abbeville *Times*, January 19, 1894, quoting Jacksonville *Republican*.

⁴⁷Montgomery *Advertiser*, June 11, 1892.

of about 8,000, including 2,000, Negro farmers.⁴⁸ In part he said:

I am in favor of killing them if they don't count it right. They have said that we can't win this fight if we don't go over their dead bodies. I for one am willing to have them go over my dead body to secure you in the right of voting for whom you please and of casting your ballots unmolested. I had rather see Mobile Bay filled with Pinkerton's detectives, the banks of every river and creek in Alabama lined with Federal bayonets and crimson with blood, rather than see you deprived of the privilege of voting for whom you please. The time has come when the working man must throw down the plow and do his duty. They say they will cheat us in the Black Belt. We must come up one man in the white belt Let the colored man stand up for his race and vote for a free ballot and civil liberty. The inspector who attempts to swindle or make miscount in the coming election will have the biggest job he ever undertook Go to the polls and vote for your civil rights and liberty. If you don't they will soon have all the rights and nothing will be left you.⁴⁹

The *Greenville Advocate* expressed horror at this "incendiary speech, commenting that Kolb, sitting on the platform behind Bowman, smiled when the Negroes cheered the speech."⁵⁰

The Kolb-Jeffersonians warned Negroes and poor whites that the Jones Democrats proposed to take away their rights to vote, and drew attention to the Thirteenth plank in the Democratic platform which called for the "passage of such election laws as will better secure the government of the state in the hands of the intelligent and the virtuous" and for "a secret ballot."⁵¹ The Jeffersonians said the Democrats planned to bring the "Mississippi Plan" to Alabama, and pointed to the bill pro-

⁴⁸Birmingham *News*, July 17, 1892.

⁴⁹Greenville *Advocate*, July 20, 1892.

⁵⁰*Ibid.*

⁵¹Birmingham *News*, July 3, 1892; Ozark *Banner*, February 16, 1893; Jones, "Campaigns," 673.

posed in the legislature by Speaker of the House Frank L. Pettus. The Kolb faction opposed the Sayre election law which was passed by the Democratic state legislature in 1892 to fulfill the "Thirteenth plank."⁵² This law required a slight educational qualification for voting.

Kolb lost some white support and several prominent backers left the Kolb faction because of the party appeals to the Negro.⁵³ Democratic party regulars charged that the Kolb people "played on the passions and prejudices of the inferior race," and that they not only sought the Negro vote but the Republican vote as well.⁵⁴ The regulars insisted that the future of the white race depended upon a Democratic victory. Governor Jones' most popular speech, judged on the basis of its frequent and prolonged appearance in the Democratic press, was one he gave at Clayton. He warned that the "walls of our civilization, which can be guarded only by an united white race" depend on the unity of the Democratic party of Alabama. "Shatter it . . . and all the woes of our past will be bright compared to the future which awaits us."⁵⁵

To counteract the Populist overtures to the Negro, the Democrats made their own appeal to the Black vote.⁵⁶ The Democratic press called for the support of all "industrious, useful, lawful negroes" who were too "intelligent and too well informed to be hood-winked and made stepping stones" by Reuben Kolb and his "incendiary lieutenants." Alabama Negroes were reminded of the many benefits of a "peaceful, conservative Democratic State Government." It was the "duty of every good Democrat" to tell the Negro "that the overthrow of conservative Democratic Government in the State means a recurrence of the rule of bad, violent, white men who will use them, then neglect them."⁵⁷ The newspapers hinted that the "third

⁵²Ozark *Banner*, March 9, April 6, 1893.

⁵³Rogers, "Agrarianism," 368.

⁵⁴Dothan *Wire-Grass Siftings*, April 21, 1892.

⁵⁵Dothan *Wire-Grass Siftings*, April 11, 28, 1892; *Montgomery Advertiser*, April 21, 22, 1892.

⁵⁶Hackney, *Populism*, 35; Jones, "Campaigns," 673.

⁵⁷Birmingham *News*, July 14, 1892.

partyites" were involved in "white capper" activity in the wiregrass area, and it was hoped that this would "open the eyes of the colored folks."⁵⁸ Under the Sayre law the machine politicians in the Black Belt registered Negroes who had "acted in political concert" with them; and in Lowndes County, where there were 1,000 white and 4,000 colored registered in 1896, the preponderance of Black votes presented no danger to white supremacy because they were rigidly controlled by the Democratic faction.⁵⁹ In Marengo County, when the Democrats added Negroes to jury duty, the Populist press noted that it was a "bid for the Negro vote in the next election"⁶⁰

Kolb was very interested in gaining the Jefferson County labor vote, and he frequently visited the Pratt City mining area.⁶¹ He felt that a laborer was "entitled to the living he can make unlimited by hostile legislation."⁶² The Alabama Labor Conference meeting in Birmingham in 1892 adopted the St. Louis platform, and Kolb supporters were active during the meeting.⁶³ The miners supported Kolb because of his "promises in regard to the convicts" who were worked in the Jefferson County mines.⁶⁴ The support for Kolb increased among the miners after the panic of 1893, and during the "great strike" of 1894, there is "little doubt that the miners supported Kolb over Oates."⁶⁵ Governor Jones sent troops to the mining areas to reduce the violence, and one of his representatives wrote: "The striking miners are the strongest backing Kolb has."⁶⁶ The Jeffersonian-Democratic platform in 1894 called for the elimination of convict and child labor from the mines and lien laws for

⁵⁸Abbeville Times, July 27, 1894. "White capper activity" was a type of white vigilante movement in the wiregrass, the area of southeast Alabama.

⁵⁹Birmingham People's Weekly Tribune, June 4, 1896.

⁶⁰Butler Choctaw Alliance, July 5, 1892.

⁶¹Kolb Scrapbook, undated clipping, Birmingham Age-Herald.

⁶²Birmingham People's Daily Tribune, November 8, 1894.

⁶³Ozark Banner, June 2, 9, 1892.

⁶⁴Robert David Ward and William Warren Rogers, *Labor Revolt in Alabama: The Great Strike of 1894* (University, Alabama: University of Alabama Press, 1965), 42. Hereafter cited as Ward and Rogers, *Labor Revolt*.

⁶⁵*Ibid.*, 117.

⁶⁶Quoted in C. Vann Woodward, *Origins of the New South 1877-1913* (Baton Rouge: Louisiana State University Press, 1951), 267.

miners, for the election by the miners of their own inspector of mines, and for a state inspector of mines and for a state inspector for weights and measures.⁶⁷ Henry F. DeBardeleben prominent Birmingham industrialist, offered to give miners free transportation to Northern mines. This was interpreted as a move to reduce Kolb's support before the election.⁶⁸

There were few references in the Populist press of Alabama to the Jew. The *Ozark Banner*, a Populist paper, played up the attempted assassination of H. C. Frick of the Carnegie Company during the Homestead Strike by a Russian Jew, Alexander Berkman.⁶⁹ The press only rarely mentioned "American Shylocks, English money lending Jews" and the "Jewish bankers, the Rothschilds,"⁷⁰ and this was only incidental in the discussion of the money question. Kolb was too involved in fraudulent election charges to be deeply concerned with money problems, and his speeches are free of anti-Semitism. This may have also been due to the very small Jewish population of Alabama, which was little over 2,000 at this time.⁷¹

The Alabama Populist did not raise the issue of anti-Catholicism. The *Banner* showed concern in an editorial over the appointment of a papal representative in Washington, D. C. This was interpreted as a step toward "united and determined" assault on the public school system.⁷² The Populist attitude toward Catholics probably closely approximated that of the Democrats and it was not an issue in Alabama. The Catholic population was also small, numbering about 16,000 in 1893.⁷³

Racial moderation was not a characteristic of the Populist

⁶⁷Ward and Rogers, *Labor Revolt*, 120.

⁶⁸*Ibid.*, 100.

⁶⁹*Ozark Banner*, July 21, 28, August 4, 1892.

⁷⁰*Ozark Banner*, February 8, March 16, 1892; *Montgomery Alliance Herald*, July 7, 1893.

⁷¹Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography* (Chicago: S. J. Clarke Publishing Company, 1921), II, 814.

⁷²*Ozark Banner*, December 15, 1892.

⁷³*Memorial Record of Alabama* (Madison, Wisconsin: Brant and Fuller, 1893), III, 241.

campaigns in Alabama. The Populist candidates needed the Negro-labor minority vote to get elected. Looking back, the Democrats offered nothing to the Negro, but viciously exploited his vote and then disfranchised him by the Constitution of 1901.⁷⁴ Had the Populist reform effort been successful, one could judge whether they were actually sincere in their campaign promises to the Negro. Since the Populists never controlled the state government, one can only speculate. Negro activity within the Populist hierarchy in Alabama did not exist. At the fusion convention in 1894, the "Lily White Republicans" and Populists endorsed the Jeffersonian-Democratic ticket. But when William Stevens, capable Negro leader of the "Black and Tans," appeared before the convention and requested the opportunity to endorse the Populist platform in behalf of his people, he was "unceremoniously put out."⁷⁵ There is no reason to believe that Negro participation at party levels would suddenly have appeared after victory.

In Reuben Kolb's appeal to the Negro and white farmer vote, there was not the "you are kept apart that you may be separately fleeced" approach of Georgia's Tom Watson. There was not the active Negro participation in party ranks which appeared in Georgia, nor was there the explicit concern for the Negro's interest expressed by Watson in his early campaigns.⁷⁶ Whatever a revision of Georgia Populism might prove, its racial policy was liberal compared to Alabama.

The Alabama Populists had on two occasions, once in 1892 and again in the spring of 1893, proposed that the Jeffersonian and Bourbon factions settle their disputes by a white Democratic primary. The Populists were willing to forsake the Negro vote in the primary in order to meet the Democrats on more equal terms. The Democrats refused the reconciliation offer.⁷⁷ A Populist newspaper commented: "this ends all

⁷⁴McMillan, *Constitutional Development*, 352.

⁷⁵Clark, *Populism*, 152.

⁷⁶C. Vann Woodward, *Tom Watson: Agrarian Rebel* (New York: Oxford University Press, 1969, First printed 1938), 220-221.

⁷⁷Jones, "Direct Primary," 211, 218-219; *Columbia Breeze*, May 4, 1893, quoting *Atlanta Journal*.

claim to white supremacy on the part of the 'organized' Democracy in this state, henceforward their strength will consist of stolen ballots in the Black Belt."⁷⁸ Had the Populist faction been able to win control of the state government with fairly cast and fairly counted Negro votes, they would have logically continued to oppose legislation which would have disfranchised Black people.

The Populist party offered to the Negro his best opportunity for respectable integration into active political participation in Alabama. Political cooperation would have been a progressive step in race relations. But on the other hand, Negro disfranchisement was the wave of the future in the South. Mississippi perfected her plan before the third party threat, and although the responsibility for Alabama disfranchisement is placed on the Populist movement,⁷⁹ her regressive racial policies indicate that she would not long have resisted the trend of legally eliminating the Negro as a political entity.

⁷⁸Tuscaloosa *Vindicator*, June 14, 1893, quoted in Jones, "Direct Primary," 221.

⁷⁹Joseph H. Taylor, "Populism and Disfranchisement in Alabama," *Journal of Negro History*, XXXIV (October, 1949), 410.

A PROPOSAL FOR WOMEN'S SUFFRAGE IN ALABAMA IN 1867

by

Sarah W. Wiggins

The suffrage question has been one of the most thoroughly studied topics in Alabama Reconstruction, especially the racial aspects of the issue.¹ However, historians have said nothing about women's suffrage because the source materials for the period give the impression that while Alabamians were much concerned about Negro suffrage, they were generally oblivious to the possibility of women as voters. It is, therefore, startling to discover a serious proposal advocating that the franchise be extended to women during the Reconstruction years. And even more startling is the person who introduced the proposal.

The suggestion that Alabama amend her constitution to allow women's suffrage was printed in the *Demopolis New Era* on March 20, 1867, two and a half weeks after the U. S. Congress had passed the first Reconstruction Act. This act provoked an uproar in the South because it included provisions to enfranchise the Southern black population. The air was rife with ideas to ameliorate the drastic effects expected from the new suffrage arrangements. Since most Republicans in Alabama at this time expected black enfranchisement to strengthen them, it is extraordinary that a Republican would view the suffrage qualifications of the Reconstruction Act as so unfortunate as to suggest that women's suffrage might improve the situation.

The author of the idea was Pierce Burton, a Massachusetts carpetbagger who came to Demopolis as an agent for the Freedmen's Bureau. He served in the 1867 Constitutional Convention and in February, 1868, was elected to the Alabama House of Representatives, where he served until 1871. In 1870 he was defeated as Republican candidate for lieutenant governor, along with the rest of the Republican state ticket. From

¹The author wishes to acknowledge assistance from the University of Alabama Research Committee for aid for a broader project of which this study is a part.

1869 to 1871 he edited the *Southern Republican*, a newspaper published at Demopolis.² In March 1871, the *Southern Republican* abruptly ceased publication because, according to a note signed and published by Burton, the paper had changed hands, politics, and location "owing to a combination of circumstances."³ A witness before the congressional committee investigating the activities of the Ku Klux Klan later that year explained these "circumstances" by testifying that Burton was severely beaten in Eutaw and received a Ku Klux warning to leave the area in twenty-four hours. He left three days later.⁴

Burton's idea was publicly ignored in 1867, and he made no effort to explain why he suggested the idea or to promote it either in private correspondence or in the *Southern Republican*. However, the article in the *New Era* did catch the eye of the *Livingston Journal*, although it made no reference to the article at this time. The *Journal* reprinted the proposal three and a half years later, and since copies of the *New Era* for March, 1867, no longer exist, it is only through the *Journal* that the proposal has survived. Interestingly, no Democratic newspaper endorsed the idea, and the *Journal* printed the proposal in 1870 only to embarrass Burton, then actively campaigning for the lieutenant governorship. The article was headlined "Pierce Burton on Female Suffrage" with the subheading "He would 'Rescue the Ship of State from the Flood of Ignorance now Threatening to Overwhelm and Engulf It.' " The *Journal* then introduced the article with a brief identification of the author and the source from which the proposal was copied.

With the desire to bring order out of the present political chaos, the following amendment to the Constitution of the State of Alabama is respectfully submitted for the consideration of all citizens who may be disposed to take action regarding the State Convention provided for in the new Military Bill:

²New York *World*, November 11, 1867; Montgomery *Daily Advertiser*, March 3, 1868.

³Demopolis *Southern Republican*, March 15, 1871.

⁴Alabama Testimony in Ku Klux Report, February 19, 1872, *Senate Reports*, 42 Cong., 2 sess., no. 22, IX, 1052.

"Article—Every citizen who has resided in this State for one year and in the county in which he or she offers to vote, six months immediately preceding the day of the election, and who can read the Constitution of the United States in the English language, and who can write his or her own name, or, who may be the owner of two hundred and fifty dollars worth of taxable property, shall be entitled to vote at all elections for Governor of the State, members of the Legislature, and all other officers elective by the people of the State; Provided, that no person, by reason of this article, shall be excluded from voting, who has hitherto exercised the elective franchise under the Constitution and laws of this State, or who, at the time of this amendment, may be entitled to vote under the said Constitution and laws."

The pertinence of this amendment will be apparent upon a thorough review of the situation.

The new Congressional law enfranchises nearly every man over twenty-one years of age now residing in the State, without regard to color or race. There are no conditions or provisions about this, but it is already an accomplished fact which we should look at calmly and dispassionately, and boldly prepare to meet. There must be a Convention. There is no dodging that. That Convention must amend the Constitution of the State in such a manner that suffrage shall be conferred without any distinction on account of race or color, or it will not be approved by Congress. Now in order not to disfranchise a large number of citizens who have long been accustomed to the elective franchise, it will be necessary to continue the right of suffrage upon all who exercise it at the adoption of the Constitution. This will inevitably include all the men both black and white, over twenty-one years old now living in the state. But there is nothing to prevent prescribing qualifications to the exercise of the elective franchise for all who may *afterwards* become voters, and by adopting this proposed amendment, we at once enfranchise every intelligent woman in the State, without giving the ballot to an ignorant female of any color, *thus throwing the balance of power*

in favor of intelligence and virtue, the only safeguards of Republican Liberty.

It is not claimed that the ladies of Alabama claim this right. Although many of them own large estates, and hold a considerable portion of the wealth of the country, and have long endured taxation without representaton; yet we have never heard of their murmuring or complaining on account of their disfranchisement. Nor is it supposed that they would exercise the right at every petty election, or whenever opportunity occurred, but they would be held rather as *reserve forces*, and when important questions arose in political affairs involving vital interests and principles, they would come forward and vindicate their patriotism by casting their suffrages in favor of right, justice, humanity, and progress, purifying legislation and sanctifying law.

The method of balloting could be regulated by the Legislature. That body could provide that it should not be necessary for ladies to even visit the polls in person, in order to deposit their ballots, but on each election day there should be placed before the judges of the election, a list of such as were entitled to vote. Each lady wishing to vote should enclose her ballot in an envelope directed to the judges, with a note stating that it was her ballot. If the judges found that the person whose name was subscribed to the note was entitled to vote, they should deposit the ballot and mark the name as having voted. The usual penalties for forgery should apply.

Thus, the ladies of Alabama, sitting in their homes, at their own writing tables, would wield the sceptre of the State, make and unmake magistrates, Judges, Governors and Congressmen, and check the tide of ignorance and corruption now turned loose upon us. Who can tell what happy results might follow, when every officer was aware that hundreds of bright eyes belonging to his constituents, were watching him from a hundred quiet homes!

England boasts but one Queen to rule the destinies of

her people, and nobly has she done her part. But under this amendment, as if by the magic touch of a fairy's wand, a thousand Queens would spring into existence in the State of Alabama, and by their mild and gentle sway, save the State to intelligence, to virtue, to honor, and to prosperity. We are in the midst of a gigantic revolution. Past forms and precedents are all swept away. New, bold and effective measures are required to meet the emergencies which are already upon us. Should we sit simply still without an effort to help ourselves? Is idleness so sweet, or inactivity so dear, that even the ladies of the South refuse to lend a helping hand to rescue the floundering ship of State from the flood of ignorance now threatening to overwhelm and engulf it? The hastening future will give a reply.

Here is an opportunity too, for the people of Alabama to lead the world in reform and progress. Will they do it?⁵

Of all the efforts to circumvent or nullify the voting requirements of Congressional Reconstruction in Alabama, this is the only proposal to suggest so radical an idea as women's suffrage. Since Burton never elaborated on his plan beyond his statements in this article, his reasons remain an intriguing enigma, and one can only speculate why a carpenterbagger would make such a proposal in Alabama in 1867.

⁵*Livingston Journal*, October 14, 1870.

POST CIVIL WAR MOBILE: THE LETTERS OF
JAMES M. WILLIAMS, MAY-SEPTEMBER, 1865

edited by

John Kent Folmar

In 1858, James M. Williams, twenty years old and a native of Ohio, journeyed to Augusta, Georgia, and took a position with a mercantile firm as a watchmaker. Gradually his anti-slavery sentiments eroded, and he adjusted to the Southern "way of life." Williams married Elizabeth Rennison in 1860 and took her to their new home in Mobile, Alabama.¹ Enthusiastically supporting the formation of the Confederacy, young Williams enlisted in the Twenty-first Alabama Regiment. He was promoted for bravery at Shiloh and subsequently served in positions of command with the regiment in defense of the Mobile Bay perimeter at Forts Morgan and Powell.² In the latter months of the war, Lt. Col. Williams commanded the Twenty-first at Spanish Fort and during the evacuation of Mobile. After the cessation of hostilities, he was paroled in Meridian, Mississippi.³ Having returned to Mobile in mid-

¹Eleanor Williams (James' mother) to J. M. Williams, August 8, 1858, December 2, 1860, Williams Papers. The Williams Papers are used with the permission of Mrs. Louise Williams Chamberlin and Powell Williams, Jr., of Mobile, Alabama. The editor has chosen to follow the spelling, capitalization, and punctuation of the manuscript letters very closely and to inject interpolations into the text only when absolutely necessary.

James' father had recently migrated from St. Clairsville, Ohio, to Hamilton County in central Iowa.

²Willis Brewer, *Alabama: Her History, Resources, War Record, and Public Men from 1540 to 1872* (Montgomery: Barrett and Brown, 1872), 623-24; John Kent Folmar, "Lt. Col. James M. Williams and the Ft. Powell Incident," *Alabama Review*, XVII (April, 1964), 123-36; *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington: Government Printing Office, 1880-1901), Series I, Vols. X, XI, XXVI, XLII, *passim*, hereafter O.R.A.; *Mobile Daily Register*, January 22, 1903.

³Lt. Gen. Richard Taylor, commanding the Department of Alabama, Mississippi, and East Louisiana, surrendered to Maj. Gen. Edward R. S. Canby at Citronelle, Ala., on May 4, 1865. O.R.A., Series I, XLIX, 1283-84; unpublished sketch by Francis Kierman (Co. "D", 21st Ala. Regt.), dated Sept. 12, 1910, Military Division, Alabama Department of Archives and History, Montgomery, Ala.; undated application for membership in Raphael Semmes Camp of Confederate Veterans, Williams Papers.

May, Williams began to write to his beloved Lizzy who was living in central Alabama.⁴

In this correspondence, which continued intermittently during the summer, Williams' observations and comments are both informative and suggestive of the problems faced by white Mobilians after the Civil War. His primary concern is for the welfare of his family, therefore, he dwells upon the perplexities of economic conditions, particularly employment opportunities, the acquisition of much-needed funds, wages and rental costs, and the economic future of the port city. Although his "situation" was indeed precarious, it was not hopeless, and he did find local employment with wartime acquaintances. As most ex-Confederates, Williams accepted the verdict of war and resolved to "get on" with the rigors of adjusting to post-Civil War exigencies. Too, Williams' loyalty to his adopted region had not diminished.

Mobile May 16, [18]65

Dear Lizzy:

I have arrived in Mobile—am well—paroled—I will try to find something to do but I fear it will be very hard to make even a living—I have written to my father to send me some money as soon and as much as possible—as soon as I can make some arrangements for employment I will try to get leave to visit you, and have no doubt that I will meet with no obstacles.

I received your letter from the hands of Dr.—I forget his name, and you will ere thus have heard from me by some of my men who have gone to Prattville

I intended to have gone right through to Prattville [from Meridian] but concluded it would be wiser to see what can be done here before I visit you . . .

⁴When the defenses of the lower bay fell to Union forces in August, 1864, Williams sent his family to stay with friends near Prattville in central Alabama.

It will probably be two months before I can receive any help from father,—but unless he has been very unfortunate it will certainly come, in the meantime I must *work hard* if I can get it to do Up to the time your letter came I was very uneasy about you as I knew that the enemy had been all around you—⁵ and I have no doubt that you was equally troubled for me—

The storm of battle has again spared me, and I thank our Heavenly father for his protection— I have many hair-breadth escapes to tell you of—and so much to say that it is useless to begin to write it— Lee is lost on this side of the Miss[issippi]—at least for a time— I am a prisoner of war— how long I will remain I can't tell—but a brave heart and willing hands will make me an honest living even here I hope— As a last resort I can give up my parole and go to prison and be fed by Uncle Sam until exchanged⁶—and I know that father has bread and meat enough for you and George—⁷ Williams.

A Yankee officer has been looking for me who says he is a neighbor to your brother. I hope I will see him—and get some news for you—⁸

Mobile May 17, [18]65

Dear Lizzy:

.

The city is full of Yanks black and white so far they have behaved well— The ladies do not associate with them and they

⁵In late March a Union cavalry force, commanded by Maj. Gen. James H. Wilson, had raided from north Alabama to Selma, and on April 12 Montgomery was occupied. O.R.A., Series I, XLIX, Part I, 98-332.

⁶In Williams' estimation the war had not ended.

⁷Williams named his son for George E. Dixon, a comrade-in-arms who was wounded at Shiloh. In February, 1864, Lt. Dixon commanded the Confederate Submarine *Hunley* in its ill-fated attack against the Union blockade in Charleston harbor. Brewer, 623; *Mobile Daily Register*, November 15, 1904; *Mobile Register and Advertiser*, April 12, 1862.

⁸Lizzy was a New Yorker by birth, and her brother still resided in Newburgh.

notice in their paper with no little chagrin that the gallants on Government street are all *gray*

How long the fair rebs will hold out is yet to be learned— if they are equal to those of New Orleans it will be a long seige⁹

Write often— Care of Mr. [James] Conning¹⁰

Williams

Mobile May 18, [18]65

Dear Lizzy:

The prospect is not very flattering, I have turned in to help Mr. [John A.] King with some work and it will help me along a little for the time being—¹¹ I hope that I will yet find regular employment— I wrote to my father . . . and have urged him to come down and see us—

Haven't heard from you yet— It is just after breakfast and Mr. King is waiting to carry this down town with him

Williams

Mobile May 21, 1865

Dear Lizzy:

Did not write yesterday—busy—for a reason— Helping John with a job he has taken to put Mr. L'Hommedieu's stock

⁹Williams is referring to the widely publicized refusal of New Orleans belles to fraternize with the occupation troops after the city fell to Union forces in April, 1862.

¹⁰When Williams came to Mobile from Augusta, he was employed by Conning who owned the largest jewelry firm in pre-war Alabama.

¹¹King was a warm friend and a fellow officer in the 21st Ala. Regt., and he was also critically wounded at Shiloh. James M. Williams to Lizzy, April 8, 1862; *Mobile Register and Advertiser*, April 12, 1862.

in order—work at home—don't know how much am making till the job is done and paid for—a living temporarily any how—

Every day I realize more vividly the fact that business here is utterly ruined for a long time to come; those who were rich are poor now as myself I begin to despair of regular employment and fear that my only dependence is on my father, . . . when . . . [the money] . . . comes we must emigrate, as soon as the enemy release me from my parole—my father will probably urge us to go to him perhaps it will be the best, . . . Mr. Conning does not seem to know what he will do—if he resumes business, which is more than doubtful, he will probably give me present employment— I am working hard and waiting for something to turn up, in a week or ten days our job will be done, and at the end of that time I hope I'll have currency enough to go to see you, and leave my board bill paid—¹²

. . . I regret to think I did not go to Prattville direct from Meridian as was my intention up to the time Dr. B. gave me your letter— I felt easy about you when that came, and my pride forbade me to go to you without a dollar of good money Sometimes I fear that I will [not] hold my own here—but I am determined not to be discouraged—

Williams

Mobile July 25, [18]65

Dear Lizzy:

Pa has not come and there are no letters accounting for it— I found upon my arrival a number of letters [from him] which I send you— . . . I got here last Thursday evening [from Prattville] Friday I was offered two situations— Saturday (being under the influence of the letters which are urging me to go North) I declined both—

¹²Williams visited Lizzy soon after this letter was written. Note the date of the following letter and the reference to adjusting to "town fare" in the August 1 letter.

Sunday I wore my studying cap—and the result is that today I am about to make a contract with Col Carr, But to stay with him until spring¹³

The reasons that influenced me are— First I calculated that I would not be able to reach Iowa before the first of September: then the winter will be upon us and I can do little or nothing until spring— While by remaining here I can at least make a living for myself and you—

Second— . . . it may be that if I let the present opportunity slip— I will regret it and be compelled to remain after all and be out of a situation entirely—or be compelled to work for less wages than I can now obtain—

Hundreds are idle here and it is not certain that I can go to work just when the necessity may press upon me—

Pa will likely come along soon, . . . however I think it will be better for you to go home with him— . . . it will not pay us to commence house-keeping here—even if I had the money— boarding is almost out of the question as too expensive— I have no doubt that for the present you can make arrangements to stay with your lovely friend Mrs W[ainright] and I can after paying the little debts I have to contract today send you at least \$50 per month¹⁴

.....

I send you all I could raise money to buy (I have about sixty cents left.)

The Calico dress cost 40 c[en]ts per yard—the Domestic 62½ [cents per yard]—I bought the best I could find (25 yards)—The corsets [\$]2.00—they were not down on the memorandum—shoes for George and Joe [?], [\$]1.75 each—could

¹³Carey W. Butt commanded Company D in the 21st Ala. Regt. and he was seriously wounded at Shiloh. Brewer, 624; *Mobile Register and Advertiser*, April 12, 1862.

¹⁴Lizzy was living with the Wainwrights.

not find and [any?] stockings for Jo [?] and none but the unbleached for George—50 c[en]ts pair— Yours cost [\$]1.00 per pair— I forgot shoes for you until my money was all gone—will send them up after while.

I will write regularly to you care of Mr W[ainwright] until you let me know that the Prattville mail is open—

. . . Tell me how George's shoes fit and Joe's [?] and how he likes them—when you want anything let me know and I will send them up [the Alabama River] by the [steamboat] Coquette.

.

"Uncle Jim" [Wainwright] will probably go home on to-day's boat, if he don't, Capt Dargan will deliver this package at the [Washington] landing—

.

~~Spank~~ Kiss George for me

Williams

Mobile Aug[ust] 1, [18]65

Dear Lizzy:

I have a letter from Bella which is enclosed¹⁵ From it we learn incidentally that my father is not coming: the draft has not come yet but I suppose it will be along in a day or so—

. . . I have not yet taken a boarding house— board is \$12 per week— if I thought of remaining longer than spring I would rent and furnish a house— but even that would be a pretty heavy business the way prices range now— I think it will be best for you to remain in the country (where you can prob-

¹⁵Bella (Isabella) was Williams' sister.

ably live much cheaper) at least until fall— But in this matter I want you to determine for yourself— If you conclude to stay you had better let our friend Mr W[ainwright] have the use of all the money that you can conveniently spare But if you come down we will want it probably all—

If it was not such a long road I would like to have you go to Iowa and wait for me there.

I sent you a [Godey's?] lady's Book for August a few days ago and have written several times to Montgomery—

You can mail letters for me at Montgomery— or by putting them on the Coquette at Washington landing—

I intended to have written to you by the Coquette today, but was so busy that I couldn't find time before she left.

I am still stopping with Dr. Savage.—¹⁰ My appetite all left me when I exchanged Mrs. W[ainwright's] table—(corn particularly) for town fare— but its is coming back again—

Williams.

Mobile August 5, [18]65

Dear Lizzy:

I have just received a letter from you and it pains me to know that your eye is no better. Please be careful with it and dont work until it is well I send you all the money I have, and soon as Pa's check comes [I] will give you plenty.

A letter which came yesterday post-marked Newburgh[h, New York] and addressed to you, I took the liberty to open— thinking that it was from your brother—

¹⁰T. J. Savage, a physician, lived at 13 North Conception Street.

I have written to him to-day and answered his questions as well as I can.

I would write oftener but am so very busy that I hardly get time to eat: . . .

Williams

Mobile August 9, 1865

Dear Lizzy:

I received two letters from you this morning— [August] 4th & 6th . . . I believe you had better come down when my money comes and “d—n the expense”

. . . I sent the dutch cheese for you down to the Coquette last evening—but the river is so low I don't think she will get to Montgomery this trip—

I am uneasy about your eyes and on their account particularly I wish you were here to have them properly treated I have snatched a minute to write in the midst of a great hurry of business— frequently I work hard until 9 or 10 PM—

Williams

Mobile Monday morning Aug[ust] 14, [18]65

Dear Lizzy:

.

Every-thing is moving along in the accustomed channels, and as my place is in the main current [of business] I am hustled along rapidly from morning 'til night and Monday to Saturday: until, sometimes, with all my boasted powers of *Leg* I am a little tired out not to say *played-out*: . . .

.

I have been trying to get a small furnished house— but find very few, and them at prices beyond reach of my short, persimmon pole— Rents are crazy R.D. Williams says he will have to pay [\$]700 for his little house this year—¹⁷ that is a sample.

Williams

Mobile Aug[ust] 24, 1865

Dear Lizzy

Letters from Iowa to the 11th, but up to the time they were written my father did not know that the little old \$250 — draft was missing: . . .

This is a fine invention for saving money: for if I had had it there would have been more than one hole, little and big in my pocket, to mark the place of its exit!

I hope the matter has not been bungled up so as to cause me another month's delay, but even that is possible— . . . I send you enclosed \$10, two or three weeks ago I sent you \$2 in a letter— did you get it?

Williams

Mobile August 27 1865

Dear Lizzy

This is a beautiful Sunday morning, after the long and refreshing rain the air is like the early — glorious days of Spring— It carries me back to the happy days in Augusta when we used to go for a walk on lower "Broad street" and up the aristocratic "Green"

¹⁷R. D. Williams worked for Thomas P. Miller and Company, a banking-brokerage firm.

After that came the long and tedious war—and my promenades were made to the sound of drum and fife—they had their charm for me too, though they involved absence from you and poverty for us both. now the bright days are coming again—we can be together, and George's prattle will add a new interest to the future walks upon the shady side of Government Street, or the plain broad prairie road [in Iowa]— . . . In my letter of the 24th I sent you \$10 for pen money—it was all I could spare after paying my debts— you know I borrowed money when I first came down to buy a few things for you and some shirts &c for myself— if I don't hear from my money by the last of this week, I will borrow all that I can and send it to you (on Saturday say) by Express to Montgomery; . . . It then should be in the office of the "Pioneer Express Co" Montgomery on Monday the 3rd of September.

.

Outside of the cotton business there is great stagnation and I am informed that many in the city are in want— It is astonishing that with such a state of affairs everything should remain at high figures— the Gov[ernment] authorities have now stopped all cotton from coming to the city, and if this is kept up for any length of time we will feel the loss of our single prop—

Williams

Mobile Monday Morning

7 o'clock, Aug[ust] 28, [18]65

Dear Lizzy

The safe is not yet open, my books and papers can't be got at and work commenced until the cashier arrives, which is momentarily expected. So while the "freedman" is sweeping out and raising a dust so thick that it may be felt and sliced up with a knife if necessary— I'll write— . . . I have long promised Mr. R.D. Williams and Mrs. Parrott that I would take

them down to view the ruins of the explosion, and yesterday being a cool day we went . . . I myself had not been over the ground since the fire was burned out, and was astonished at the mass of shot and shell—entire and in fragments, that covered the ground— thousands of loaded shells are there yet among the rubbish— . . .¹⁸ Am well only pricked all over intolerably by “Heat”—

Williams

Mobile August 29, 1865

Dear Lizzy:

I have a letter from Mr. King dated the 11th. He is already sick of Yankeedom and Yankees, . . . he says he would “rather be called a fool than a Yankee”— I can’t say that I would fancy either appellation— . . .

The Yanks have stopped the shipment of Cotton to Mobile, and if it continues for much time we will all have a plentiful lack of work and money too— don’t anticipate such a case however.¹⁹ On the first of October I will go into another business— M Trheefoot [Threefoot] is about to open a wholesale variety store, and he has succeeded in inducing me to make a permanent engagement with him—at \$2000 per year.

Nothing new—

Williams

¹⁸On May 25 a tremendous explosion had occurred in the ordnance depot which the Union occupation troops had established. The destruction was devastating in the section of town nearest to the bay. See Mrs. Hugh C. Bailey, “Mobile’s Tragedy: The Great Magazine Explosion of 1865,” *Alabama Review*, XXI (January, 1968), 40-52.

¹⁹Trade restrictions on cotton were intensified. As Williams predicted, the result was economic blight for Mobile. See Walter L. Fleming, *Civil War and Reconstruction in Alabama* (New York: Columbia University Press, 1905), 284-307.

Mobile September 10, 1865

Dear Lizzy

Haven't a word from you as late as the reception of my 29 Aug[ust] letter, so there are three or four to be reported on including the Express one enclosing \$183—

.

I have made no arrangements to secure a boarding house, and will not unless I know when you will be down, as I will not make myself responsible for anything until I am certain I wont pay for more than I want

I don't imagine there will be much trouble in finding board provided I pay the price— that, I have already said I am prepared to do—

. . . Have no further news from home—

Williams²⁰

²⁰Williams managed to adjust to the economic chaos of Reconstruction, and he lived a long and interesting life in the port city. After his death in 1903, the *Mobile Daily Register* of January 22 commented: "It would be well for the republic if every man were to mold his life to conform to the high ideals that inspired our friend"

BOOK REVIEWS

Fort Maurepas: The Birth of Louisiana. By Jay Higginbotham. (Mobile: Colonial Books, 1968. 104 pp. illus. \$4.95). *The Journal of Sauvoles: Historical Journal of the Establishment of the French in Louisiana* by M. de Sauvole. Translated & edited by Jay Higginbotham. (Mobile: Colonial Books, 1969. 70 pp. \$5.95).

Jay Higginbotham can hardly be considered an amateur historian after publishing eight books and numerous articles on the early history of the Gulf Coast, yet he combines the infectious enthusiasm of the true amateur with the breadth of research which is the hallmark of the mature scholar, qualities most happily displayed in his two latest volumes which, taken together, make a significant contribution to the literature on the French occupation of the Gulf Coast.

Fort Maurepas provided an over-view of the first French settlement established by Iberville, in 1699, on the bay of Biloxi. Far from being the stronghold dominating the Mississippi River which Iberville had hoped to create, Fort Maurepas was a last-chance gamble which turned out much better than could have been expected. Although the post served as the center of French coastal and inland operations only until 1702, those years provided Iberville and Bienville with the knowledge of regional geography upon which the founding of both Mobile and New Orleans depended. They were also the years in which a lasting friendship was sealed between the French and the Indians of Louisiana—an amity which not only shielded but fed the hungry French garrison.

The LeMoyne brothers were men of action: Iberville commuting between his infant colony and its mother country, Bienville exploring the turns of the great river and its countless tributaries. The daily business of Fort Maurepas was the concern of its commandant, Ensign Sauvole, a man without other name or reputation, but an officer whose competence is proven by his maintenance of a secure base for the adventures of his more famous compatriots, and whose death in the dull

line of garrison duty is sufficient to enoble him in the history of the Gulf Coast. *The Journal of Sauvole*, in reality two dispatches to the French minister Ponchartrain, describes the routine existence of the outpost in episodic detail. One can only wish Sauvole's reports had been ten times as long! The bare narrative is packed with excitement and stirs conjecture on every page. So much more might have been said about the cabin-boys sent out into the woods to learn the Indian ways, the chiefs who insisted upon the same ceremonial respect for their wives as for themselves, the troublesome *coureurs du bois* who wandered down from Canada, the endless worries about food and water which turned the welcome visitor into a most unwelcome guest at that isolated fort.

The pleasure provided by these two slender volumes derives primarily from the human element of history which they most successfully bring to the fore. Higginbotham writes with a clarity and precision which is exceptional in view of the difficult nature of his sources. To do the subject justice, however, his readers—and they should include everyone with any interest in the colonial phase of Gulf Coast history—must purchase both volumes, and they are apt to wish he had combined them into one more substantial tome. Such a course would have avoided the variant spellings of Penicaut and Penigaut, and might have persuaded the author to eschew some of the more dissonant literal translations in Sauvole's Journal. On the other hand, such minor complaints cannot detract from the real merit of Higginbotham's work; he continues to shed a warm luminosity upon the darker reaches of the Gulf Coast.

Robert R. Rea

Auburn University

Removal of the Choctaw Indians. By Arthur H. DeRosier, Jr., Knoxville, Tennessee, University of Tennessee Press, 1970. 208 pages. \$7.50.

Arthur DeRosier's REMOVAL OF THE CHOCTAW INDIANS is a slightly revised version of his 1959 University of

South Carolina doctoral dissertation. The bibliographies of both works are virtually identical, so while the dissertation was current eleven years ago, the book is essentially eleven years old. Prof. DeRosier has overlooked much of the relevant material that has appeared in the intervening years, and that which he saw had little apparent influence on his interpretations.

This is a book of many parts. It has sections dealing with the early history of the Choctaws, their social and political organization, and their relations with the U.S. government prior to the establishment of a firm policy of removal. Thus, as it should be, DeRosier considers a great deal more than the westward journey of the Choctaws. But removal, as it applied to the Choctaws, rested on the sum of the past experience of Indian policy, and here Prof. DeRosier failed to develop and analyze adequately the evolution of that policy and its administration.

Generally, DeRosier did not differentiate between policy and administration. When he did, as in his analysis of the Choctaw's trek west, he did it admirably. But in the bulk of his narrative he was content to show simply that various aspects of Indian policy periodically failed to work, and when he pursued the question of why they failed, his answer invariably was to blame Andrew Jackson, the "Indian hater." One gains no insight into the workings of the Office of Indian Affairs from this book. Superintendents, agents, and treaty commissioners pop in and out of DeRosier's narrative, but we are never told how they related to one another, to the Indians, or to Washington. We are not led to appreciate the outside forces working on the government's Indian policy, except for occasional references to an amorphous frontier public opinion. And prior to the general debates on removal in the 1820s, DeRosier does not sufficiently assess the role of Congress in the establishment or the administration of Indian policy.

While Andrew Jackson is the villain of the piece, John C. Calhoun is the hero. In a sense, DeRosier's praise of Secretary of War Calhoun is well deserved. The South Carolinian did indeed bring much needed reforms to the War Department, particularly to the administration of Indian affairs. But to

assert that everything in Indian affairs prior to Calhoun's accession to office was an "aimless, drifting, enept and patch-work program" (p. 40) is to ignore the work of several recent scholars, notably Reginald Horsman. Indeed, Calhoun's two-part policy of civilizing the Indians and acquiring their land was exactly Jefferson's policy.

More to the point, however, is DeRosier's anxiety to join the Jackson-the-Indian-hater school of historiography. This myth has become so pervasive and powerful as to assume the proportions of an article of faith. With evidence to the contrary, DeRosier willingly fell into line. For example, he quotes favorably Calhoun's call in 1818 for an end of the official definition of Indian tribes as independent nations. "Indians," DeRosier paraphrases Calhoun, "should be subject to the same controls exercised by the government over all other people living within its national borders." (p. 42.) The next year Jackson wrote Calhoun urging the adoption of this same policy, using virtually the same words, upon which DeRosier commented: "The vicious implications of [this] letter foreshadowed what the future would hold for the Indians once the quick-tempered western general won a prominent place in the government." (pp. 51-52.)

DeRosier seems to see the history of U.S. relations with the Indians as a series of fits and starts, with new policies introduced now and again by men like Calhoun, a voice of moderation, and Jackson, a westerner who used force to effect removal. Actually, both faced basically the same problem—how to execute a policy of expansion without destroying the Indians in the process. Both embraced the same solution—removal. And Prof. DeRosier has not satisfactorily demonstrated that Andrew Jackson was more ready to force the Choctaws across the Mississippi than was John C. Calhoun, or Thomas Jefferson.

In sum, Prof. DeRosier's book is disappointing. While he rightly sought to put Indian policy in its proper context as an issue of immense national importance, he failed to show how it evolved and how it was administered. These problems remain to be explored.

Michael D. Green

West Texas State University

In Search of Gulf Coast Colonial History: Proceedings of the First Gulf Coast History and Humanities Conference. Ernest F. Dibble and Earle W. Newton, eds.

Pensacola: Historical Pensacola Preservation Board, 1970.

The newly-organized Gulf Coast History and Humanities Conference held its first meeting at Pensacola in December 1969. The organization's overall purpose is to make an interdisciplinary study of a specific coastal area—the Gulf of Mexico from the Florida Keys to the Yucatan peninsula. The first conference limited itself to considering documentary and artifactual sources for the area between New Orleans and St. Marks during the colonial period. The published proceedings include five articles with individual round-table commentary.

The first three deal with available manuscript and published sources. Jack D. L. Holmes's "Resources Outside the United States and Research Opportunities for Spanish Florida, 1781-1821" discusses the principal Spanish archives containing Gulf Coast material and suggests largely ignored topics—slavery and education, for example—awaiting scholarly investigation. Robert Right Rea's "Resources and Research Opportunities for British West Florida, 1763-1781" is a delightful survey of the historiography of this province. There is also a helpful discussion of the sources in foreign and domestic archives. One is struck by the richness of the primary sources, that they have been little used, and that the originals usually are in English, Scottish, or Canadian archives. The holdings of the William L. Clements Library (Ann Arbor, Michigan) are the chief exception. Samuel Proctor's "Bibliographical Resources in the United States for Gulf Coast Studies," emphasizes what the previous articles did not: the enormous amount of material, printed and manuscript, available in this country. The addenda to his original paper describing archival sources is most important.

The joint article by Lucius F. Ellsworth and Donald H. Bragaw, "History in Three Dimensions: Applications in the Classroom," makes the point that historians tend to overlook:

artifacts can be as important as written sources. The authors discuss artifacts in the Pensacola area and their possibilities as classroom instructional aids.

Walter Rundell, Jr.'s "Building Research Collections" is a well-researched essay with much information of general interest. However, he does not deal extensively with problems peculiar to the Gulf Coast, and therefore his essay is of limited value for librarians and archivists who plan to expand their Gulf Coast history collections.

Holmes' Rea's, and Proctor's articles especially make this work so useful. Serious studies of colonial Gulf Coast history are all too rare, though fortunately this work itself presages a change for the better. Historians, librarians, archivists, and archaeologists all will profit by the critical discussion of sources in this work. Every library and archive interested in Gulf Coast history should have a copy.

J. Leitch Wright, Jr.

Florida State University

The Creek War 1813 and 1814. By H. S. Halbert and T. H. Ball. Edited by Frank L. Owsley, Jr. Tuscaloosa, Alabama, University of Alabama Press, 1969. 331 pages. \$8.00.

The Creek War of 1813 and 1814, published originally in 1895 in Chicago, Illinois, and Montgomery, Alabama, has been republished in 1969, with the University of Alabama Press' using the original plates of the Halbert and Ball book and adding an introduction, notes, bibliography, and index by the editor, Frank L. Owsley, Jr.

Henry Sale Halbert was born in Alabama in 1837, served in the Confederate Army, taught at Waco University and other institutions in Texas, Mississippi, and Alabama, and principally among the Choctaw Indians in Mississippi for fifteen years. For the last twelve years of his life he was a clerk at the State Department of Archives and History in

Montgomery, Alabama. Timothy Horton Ball was a teacher and a Baptist preacher. Born in Massachusetts, he spent many years in Clarke County, Alabama, concerning which he wrote in *A Glance into the Great Southwest or Clarke County Alabama, and its Surroundings from 1540 to 1877*.

The Creek War of 1813 and 1814 is concerned chiefly with the causes and the early stages of that conflict. The book's thesis, conclusively stated and borne out throughout the entire work, is that "the 'Creek War,' as waged by the whites against the Creeks, was out of all proportion as compared with the 'Creek War' as waged by the Creeks against the whites." In commenting on this approach, Dr. Owsley says that "Halbert and Ball achieved a balance and impartiality most unusual in accounts of Indian wars, especially those written late in the nineteenth century."

The book is most valuable to students of Indian social and political history, and because of the many anecdotes related, the details of human life described, it is extremely readable for anyone who might be interested in American frontier men and women. Its material is drawn from many secondary sources, principally Pickett, Clairborne; Woodward, and Meek, but also from letters and reminiscences, coupled with close first-hand study of the topography of the sites involved. The editor has further authenticated the whole picture of the struggle through manuscript material available in this country. He leaves it to future scholars to explore the numerous British and Spanish records bearing on the subject.

The general introduction to the tribes of the Muscogee-Creek peoples includes a review of the influential families of mixed blood whose presence was characteristic of the whole southeastern portion of this country. Also included is a refutation of the "here we rest" legend as the meaning of the tribal name "Alibamo," which signifies instead "gatherers of vegetation," that is, in clearing the land for agricultural purposes.

After a sketch of Tecumseh's visit to the Chickasaws and Choctaws, which the writers drew from "original and authen-

tic" sources, they turn to that celebrated chieftain's visit to the Creeks. Here they find much discrepancy among "good and in the main, reliable historians" (Clairborne, Lossing, Drake, Parton, and Pickett) as to the date of the visit and as to the content of Tecumseh's speech to the Creek warriors, particularly in his urging the slaying of women and children, and in his dramatic use of the comet of 1811. Pickett is quoted liberally in connection with the Battle of Burnt Corn, though "a more correct account of the topography, gained from personal observation, is here given to the reader." In this account the attack by the Americans under Colonel Callar on the Creek warriors is blamed for the subsequent terrible revenge taken by the Indians at Fort Mims.

On Fort Mims, the authors, after discrediting several widely accepted border war historians, accept Pickett's statements concerning the number of human beings in the stockade on that fateful date in August, 1813. According to him, there were five hundred and fifty-three people, including approximately one hundred children, in an area measuring about 260 feet square. (Dr. Owsley's note argues with this acceptance.) Speaking of the accounts in question, Ball quotes Chateaubriand of France as having once said of ancient writers, "The historians are greater liars than the poets." He concludes, "Surely, if we can get no more truth than this from our border historians, we may as well leave them and turn to the poets."

As Pickett wrote that he considered Alexander McGillivray the hero of his book, so Halbert and Ball would certainly consider William Weatherford the hero of their book. On good authority they assert that at Fort Mims he implored the infuriated Creeks to spare the women and children, that he left the massacre in great horror. And according to George Stiggins, a half-breed whose manuscript account of the beginnings of the war was of great assistance to Dr. Owsley in evaluating the work of Halbert and Ball, "William Weatherford never intended to join the hostile element of the Creeks, but was forced to support them when the hostiles captured his family and threatened to kill them unless Weatherford became a Red Stick. The "Alabama Weatherford," according to the authors, was not a furious savage thirsting for the

blood of the Americans. After Fort Mims he did not fight again for four months, and then not until the Creek Holy Ground, which he fancied a place of security for his people, was attacked by American forces. From here Weatherford was the last man to retreat, and the story of his wonderful leap into the Alabama River is defended by the authors against such detractors as General Woodward.

Another hero of *The Creek War* is young Jeremiah Austill, who after the fighting became a peaceful clerk at St. Stephens, a courageous deputy marshall for the federal government, a member of the state legislature from Mobile. His first adventures as the "night courier" who rode forty miles through hostile territory to warn General Claiborne of the frantic settlers' situation are followed by his exploits, along with Captain Sam Dale and James Smith, as one of the heroes of the great "Canoe Fight."

Saying that the story of the "Creek War" as fought by the whites against the Indians is fully treated in all of the works dealing with the career of Andrew Jackson, Halbert and Ball chose merely to give an outline of the engagements leading to the decisive Battle of Horse Shoe Bend, where Jackson is reported to have said, the Creek warriors have "penned themselves up for slaughter." In following to its conclusion their stated purpose of giving "justice to the Indians and justice to the whites," Halbert and Ball again state that the Fort Mims tragedy was surely provoked by the Burnt Corn action. In turn, they strongly feel that Fort Mims hardly justified the shedding in return of so much Creek blood, and that the even hand of justice surely did not require the ceding of the large domain west of the Coosa by the Creeks, to pay expenses, as claimed, of that subjugating war.

Martha Frazer Rankin

Montgomery, Alabama

Tennessee; A Short History by Stanley J. Folmsbee, Robert E. Corlew and Enoch L. Mitchell. (Knoxville: The University

of Tennessee Press, 1969, pp. xv, 640. \$15.00, paperback, \$8.95).

Tennessee has a long and fascinating history which is well told by authors Folmsbee, Corlew and Mitchell. Despite the fact that *Tennessee, A Short History* is a multi-authored study, it has been well enough edited that the slight changes in style do not bother the reader. Although the work is a condensation of a two-volume *History of Tennessee* (Lewis Historical Publishing Company, New York, 1960), the authors might have selected a more appropriate title—a 640 page book is not a very short history. They have produced a work which will satisfy the general reader and serve well as a college text for a course in Tennessee history.

The book has an exceptionally thorough account of the Colonial Period in Tennessee as well as good coverage of the Indians and their removal. In a state which produced three United States Presidents, the authors have properly given excellent coverage to politics. Tennessee was a major battleground of the Civil War and was the scene of more military actions than any other state west of the mountains. Political and economic Reconstruction is given ample consideration, and although the divisions within Tennessee were slow to heal, recovery was accomplished by 1900. The Twentieth Century has been marked by the rise of four major urban industrial centers in the state and a vast increase in its prosperity aided by T. V. A. and the development of a rich diversified economy.

Tennessee, A Short History is well printed and replete with pictures of both men and places. Of special interest to the student of history is the excellent documentation, suggested readings, and, above all, the outstanding bibliography of Tennessee history. Unlike some state and local histories, the authors have placed their study well within the framework of the region and the nation, making it a relevant contribution to the knowledge of American history.

Frank Lawrence Owsley, Jr.

Auburn University

THE ALABAMA HISTORICAL QUARTERLY



Vol. XXXII	I N D E X	1970
------------	-----------	------

—A—

"A Proposal for Women's Suffrage in Alabama in 1867"	181-185
Abramowitz, Jack	168
Addams, Jane	152
Address at the Unveiling of the Bust of Gen. Holland	
M. Smith	115
Agricultural Association of Monroe County	158
Aigleville	87
Alabama, Department of	160
Alabama Democratic Executive Committee	24
Alabama Farmer's Alliance	170
Alabama Labor Conference	177
Alvord, Jno. W.	11
American Baptist Home Mission	131

American Freedman	145
American Freedmen's Union Commission	145
"American Missionary Association's Northern Philanthropy in Reconstruction Alabama"	129-156
"Amistad"	138
Andrew, George W.	150
<i>Anniston Star</i>	46
Athens	9, 132
Atkins, Mrs. Leah R.	127, 167
Ayer, Eliza	151

—B—

Ball, T. H.	204
Bassett, Emeline M. W.	141-142
Battery Hager	79
Battery Tracy	79
Beecher, Edwin	143
Benevolent Society of the First Congregational Church of Southwest Boyston, Mass.	141
Benton, Ellen L.	135
Berkman, Alexander	178
"Birmingham and the 'Dixiecrats' Convention of 1948"	23
<i>Birmingham News</i>	174
Black and Tans	169, 179
Blue College	146
Bond, Horace Mann	146
Bostick, Lewis	174
Boswell, E. C.	34
Bowman, Peyton G.	174
Bradley, Peter	41, 45
Brewer, Albert P. (picture)	114, 115
Brown, Henry E.	147, 148, 151, 152, 153
Brown, Justus N.	152, 153
Brownell, Ted	30
Buchanan, Franklin	54
Buckley, Charles W.	137, 157, 162
Bureau of Refugees, Freedmen, and Abandoned Lands	129
Burns, Gladys King	25, 49
Burton, Pierce	181
Byrd, Harry F.	33

—C—

Carnegie Company	178
Carter, Ike	174
<i>Chicago Tribune</i>	144
<i>Choctaw Advocate</i>	173
Clausel, Gen. Bertrand	95
Cleveland Aid Commission	130, 132, 147
Coburn, John	140
Collins, Chas. Wallace	25
Colmer, Wm. P.	33
Congregational Church of Tallmadge, Ohio	141
Conning, James	190
Connor, Eugene	36
Conway, Thomas W.	13, 17
Cooper, Professor	174
Corlew, Robert E.	207
Cravath, Erastus	152, 153
<i>Creek War of 1813 and 1814, The</i>	204
Cruikshank, M. H.	20
Crump, Edward H.	33
C. S. S. Baltic	62
C. S. S. Gaines	56, 62
C. S. S. Ivanhoe	64, 66, 67, 68, 69, 72
C. S. S. Morgan	56, 62
C. S. S. Virgin	72
C. S. S. Tennessee	55, 61, 62, 74, 77
Curry, J.	140

—D—

Dallas	7
Daniels, William P.	133
Dargan, Capt.	192
<i>Days of Exile</i>	91
DeBardeleben, Henry F.	178
<i>Demopolis New Era</i>	181
Dibble, Ernest F.	203
Dillard, McMinn and Company (Montgomery)	164
Dismukes, Camillus J.	81
Dismukes, C. F.	3

Dixon, Frank M.	29, 33, 37, 38, 40
Dooley, Vincent	25
<i>Dothan Eagle</i>	46
Drake, Nelson Manfred	121
DuValle, Mrs. Frank Ladd	51

—E—

Eastland, Jas. O.	25, 33, 41
Eddins, Floyd	41
Educational Society of Boston	130
Ellis, Hancy	33
Emerson Institute	141
Emerson, Ralph	146
Ethridge, Eliza J.	140
Eufaula	7, 9, 15

—F—

Fairburn, General Robert R. (picture)	3, 114, 115
Farmer's Congress	169
Fisk, Clinton B.	137
Fleming, Walter Lynwood	129
Folmar, John Kent	127
Folmsbee, Stanley J.	207
Folsom, Jas. E.	33, 41
Fort Gaines	78
<i>Fort Maurepas: The Birth of Louisiana</i>	199
Fort Morgan	52, 65
Fort Powell,	52, 53, 54, 55, 78
Foster, Rev. L.	147
Freedmen	16
“Freedmen and the Labor Supply: The Economic Adjustments in Post-Bellum Alabama, 1865-1877”	157-166
Freedmen's Aid Societies	134
Freedmen's Aid Society of Tallmadge, Ohio	133
Freedmen's Bureau.....	6, 16, 18, 129, 136, 162, 181
rations issued by	19
Freedmen's Bureau in Alabama	135, 137, 138
Freedmen's Bureau for Monroe County	158
“French Colony in Marengo County, Alabama”	81-113

Frick, H. C.	178
Friends Association	131

—G—

Gilmer, Major General Jeremy	54, 55, 56
Gilmore, Gen.	54
Goode, Garland	158
Goodwin, Tully A.	23
Grange	169
Green, Michael D.	202
Greenville Advocate	175

—H—

Halbert, H. S.	204
Handlin, Oscar	167
Harper, R. D.	135
Harrison, Geo. W.	57
Heflin, James Thomas	25
Higginbotham, Jay	199
Higham, John	167
Hofstadter, Richard	167
Holdridge, Gen. Herbert C.	45
Homestead Strike	178
Horton, Olin	30
Howard, Oliver O.,	18, 159, 164
Hull House	152
Humphrey, Hubert	28
Huntsville,	9, 13, 132, 133

—I—

<i>In Search of Gulf Coast Colonial History: Proceedings of the First Gulf Coast History and Humanities Conference</i>	203
--	-----

—J—

Jeffersonian-Democrats	169, 171
Jenkins, Jessie Welch	34
Jenness, Sarah A.	150
Johnson, Andrew	137, 159

Jones, Sam	33
Jones, Thomas Goode	170, 171
Jordan, Wm. C.	11
<i>Journal of Sauvotés: Historical Journal of the Establishment of the French in Louisiana by M. de Sauvoté, The</i>	199

—K—

Kimball, John	140
King, John A.	189
"Kolb Gem" (watermelon)	169
Kolb, Reuben Francis	169, 171
Krebs, Thos. L.	114, 115
Ku Klux Klan,	182

—L—

Ladies Benevolent Society of Burton, Ohio	133
Lakanal, Joseph	102
Lallamand, Charles	90, 103
L'Hommedieu, Mr.	189
Laney, Ben T.	25, 33, 39, 40
Lightfoot, Sallie B.	51, 52, 57, 59, 63, 64, 65, 66, 68, 70, 73, 74, 75, 77, 78, 80
"Lily White Republicans"	179
Lilly-Whites	169
Lincoln Temperance Society of Eufaula	150
Littlepage Robert	165
<i>Livingston Journal</i>	182
Long, Earl K.	33
Lowndes County	15

—Mc—

McAfee, Judge	148
McCowey, Gessner T.	28, 35, 36

—M—

Marion	138
Marion's Lincoln Academy for Freedom	145

Maury, Major General Dabney H.	53, 54, 55, 56, 78
Mercer, Ruby	36
Methodist Episcopal Church (North)	130
Mills, Jas. E.	28
"Mississippi Plan"	175
Mitchell, Enoch L.	207
Mobile	7, 8, 133
<i>Mobile Advance</i>	146
<i>Mobile Register</i>	135
Montgomery	5, 79, 132
<i>Montgomery Advertiser</i>	144, 147
Murray, "Alfalfa Bill"	32, 33
Myers, John B.	3, 5, 127, 157

—N—

Napoleonic Exiles	91-113
<i>Nation</i>	142
National Freedmen's Relief Association	20, 130, 132
<i>Nationalist</i> (Mobile)	149, 154, 155
Negroes	
abuses of	17
diseases	9
insurrections	15
living conditions	8, 20
<i>New Era</i>	182
Newton, Earle W.	203
New York City	130
New York Ladies' Southern Relief Association	130
Northwestern Freedmen's Aid Commission,	130, 133, 135, 145
<i>Novelists' America: Fiction as History. 1910-1940</i>	121
Nugent, Walter T. K.	167

—O—

Oates, William, C.	172
Owsley, Frank L., Jr.	204, 208
<i>Ozark Banner</i>	178

—P—

Page, Richard L.	63
-----------------------	----

Parker, S.	133
Parrott, Mrs.	196
Parsons, Lewis E.	6, 14, 148
Patton, Gov. Robert	142, 164
Peabody Education Fund	129, 135, 136, 138
Pemberton, John C.	58
<i>People in Power: Courthouse and Statehouse in the Lower South</i>	122
People's Progressive Party	23, 35
Perkins, Jonathan E.	34
Pettus, Frank L.	176
Pierce, Josephine	133, 141
Pioneer Express Co.	196
Pittsburgh Freedmen's Aid Commission	132
Pittsburgh Freedmen's Aid Society	130
Poillon, W. A.	14
Polk, Leonidas	58
Pollack, Norman	167, 168
Pollard, Alabama	76
Pope, George Stanley	137, 144, 150
Populism	167
"Populism in Alabama: Reuben F. Kolb and the Appeals to Minority Groups"	167-180
Populist Revolt	167
Port Royal Society of Philadelphia	130
Port Royal, South Carolina	130
"Post Civil War Mobile: The Letters of James M. Williams, May-September, 1865"	186
Pratt City	177
Presbyterian Church	131
Presbyterian Church of Canfield, Ohio	141
Price, Lloyd E.	38
"Proposals for Women's Suffrage in Alabama in 1867"	181-185
Putnam	146

—Q—

Quakers of Philadelphia	131
-------------------------------	-----

—R—

Rains, Col. George W.	55
----------------------------	----

Rains, General	56
Rankin, Martha Frazer	207
Rasney, R.	153
Rea, Robert R.	200
<i>Reaction and Adjustment: The Struggle of Alabama</i>	
<i>Freedmen in Post-Bellum Alabama 1865-1867</i>	5
<i>Removal of the Choctaws Indians</i>	200
Rennison, Elizabeth	186
Richardson, William T.	144
Rogers, Col. John	115
Rushton, Marion	23, 26
Russell County	15

—S—

Safford, Albert A.	149
St. Louis Convention, 1892	173
St. Louis platform	177
Sand Island	77
Savage, T. J.	193
Sayre law	177
Schools for Freedmen	134
Schweninger, Loren	127, 129
Sears, Barnas	135, 136
Selma,	8, 9, 132
Selma, Rome and Dalton Railroad	153
Shurz, Carl	13
Siam Mission	154
Sillers, Walter	36
Silsby, John	149, 154
Smith, Gerald L. K.	34
Smith, Holland M.	155
Smith, Mary E.	141
Smith, Winston	91, 122
Smyer, Sydney	40
<i>Southern Republican</i> (Demopolis)	182
Spanish Fort, Ala.	78, 79
Sparkman, John J.	48, 49
Starr, J. Barton	3, 23
Starrett, M.D.	15
Stennis, Jno. C.	33, 37

Stevens, William	179
Stevenson	132
Steward, Thomas C.	138, 145, 149, 150, 153
Still, William N. Still, Jr.	3, 51
Stoner, J. B.	34
Swayne, Major General Wager	16, 19, 132, 159
Swayne School	144

—T—

Taft-Hartley Act	28
Talladega	132
Talladega College	137
Tallmadge Aid Society	133
Talmadge, Herman	33
Tarleton, Robert	51
Taylor, Richard	5
Teachers for Freedmen	134
Temperance Society of Talladega	151
<i>Tennessee: A Short History</i>	207
“The American Missionary Association and Northern Philanthropy in Reconstruction Alabama”	129-156
“The Civil War Letters of Robert Tarleton”	51
<i>The Creek War 1813 and 1814</i>	204
“The Freedmen and the Labor Supply: The Economic Adjustments in Post-Bellum Alabama, 1865-1867” ..	157-166
“The French Colony in Marengo County, Alabama”	81-113
<i>The Journal of Sauvoles: Historical Journal of the Establish- ment of the French in Louisiana by M. de Sauvole</i>	199
<i>The People in Power: Courthouse and Statehouse in the Lower South 1850-1860</i>	122
Thornton, J. Mills, III	124
Threefoot, M.	197
Thurmond, Strom	26, 33, 41, 42, 43, 45, 48
Travis, Robert	35
Truman, Benjamin C.	11
Tuck, Wm. N.	33
Tuscumbia	9, 132
Twenty-first Alabama Regiment	186

—U—

Union Springs	11, 133
Upchurch, Frank	37

—V—

Vine and Olive Colony	81-91
-----------------------------	-------

—W—

Wainright, Jim	192
Wainright, Mrs. Jim	191
Walden, John Morgan	131
Wallace, Henry A.	23, 35
Waller, Beulah	41
Watson, Tom	179
Wells, Mary F.	145, 151
Western Freedmen's Aid Commission,	130, 132, 146
Wheeler, C. P.	133
Wheeler, Elliot	151
Whipple, Elliot	151
White, Hugh	33
Wiggins, Dr. Sarah W.	127
Wilcox Times (Camden)	162
Wilkinson, Horace	50, 41
Williams, Elizabeth Rennison	187, 188, 189
Williams, James M.	186
Williams, R. D.	195, 196
Wiswell, Harriet	140
Woods, General Charles R.	13, 160
Woodward, C. Vann	167
Wooster, Ralph A.	122
Wright, Fielding	28, 29, 33, 41, 42, 45
Wright, J. Leitch, Jr.	204
Wright, W. W.	28, 40



Library West

Date Due Slip

Date Due

Date Returned

NOV 30 2012

APR 15 2013

Renew online @ <http://www.uflib.ufl.edu/>

Select Library Catalog >> your account

Loan Policy Information @

<http://www.uflib.ufl.edu/as/circ.html>

976.105

A316

LAD

UNIVERSITY OF FLORIDA



3 1262 08228 069 3